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Briefing on How To Use the Federal Register
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WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

SAN FRANCISCO, CA

WHEN: July 22, at 9:00 am
WHERE: Federal Building and U.S. Courthouse, Conference Room 7209–A, 450 Golden Gate Avenue, San Francisco, CA
RESERVATIONS: Federal Information Center, 1–800–726–4995

SEATTLE, WA

WHEN: July 23, at 1:00 pm
WHERE: Henry M. Jackson Federal Building, North Auditorium, 915 Second Avenue, Seattle, WA
RESERVATIONS: Federal Information Center, 1–800–726–4995

Contents

Federal Register

Vol. 57, No. 133

Friday, July 10, 1992

Separate Parts In This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 57, No. 133
Friday, July 10, 1992

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AE85

Prevailing Rate Systems

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations to change the lead agency for the New Orleans, Louisiana, wage area from the Department of Veterans Affairs (DVA) to the Department of Defense (DOD) and to change the survey beginning month from February to November. These changes recognize the fact that DOD is the major employer of Federal Wage System employees in the New Orleans area and allow DOD to conduct the survey at a better and more convenient time.

EFFECTIVE DATE: August 10, 1992.

FOR FURTHER INFORMATION CONTACT: Paul Shields, (202) 606-2848.

SUPPLEMENTARY INFORMATION: The Department of Veterans Affairs is the lead agency for the New Orleans, Louisiana, wage area. The DVA Medical Center in New Orleans is the host activity for the survey. DVA has requested that DOD assume responsibility for the New Orleans survey because DOD is the largest FWS employer in the area and because DOD now has several large facilities in the survey area that can act as a host activity because of the addition of Plaquemines Parish to the survey area in 1985. DOD has agreed to assume responsibility for the survey. The beginning date of the wage survey will be changed from February to November to move the survey out of the Mardi Gras season, a source of survey problems in the past. This change also accommodates DOD's need to balance the distribution of its wage surveys. Notice of proposed regulation changes, published on April 8, 1992 (57 FR 11920), provided a 30-day period for public comment. OPM received no comments during the comment period. Therefore, the proposed rule is being adopted as a final rule.

Executive Order 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal employees and agencies.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Government employees, Wages.

U.S. Office of Personnel Management

Constance Berry Newman,

Director.

Accordingly, OPM amends 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority for part 532 continues to read as follows:

Authority: 5 U.S.C. 5343, 5346; § 532.707 also issued under 5 U.S.C. 552, Freedom of Information Act, Public Law 92-502.

Appendix A to Subpart B—Amended

2. Appendix A to subpart B is amended for New Orleans, Louisiana, by revising the lead agency listing from "VA" to "DOD" and the beginning month of survey from "February" to "November."

[FR Doc. 92-16172 Filed 7-9-92; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 327

[Docket No. 92-007F]

RIN 0583-AB59

Restoration of Nicaragua to the List of Countries Eligible to Import Meat Products into the United States

AGENCY: Food Safety and Inspection Service (FSIS), USDA.

ACTION: Final rule.

SUMMARY: FSIS is amending the Federal meat inspection regulations by listing Nicaragua as a country eligible to export its meat products from cattle, sheep, swine, and goats to the United States.

In 1986, FSIS representatives were not able to make required reviews of the Nicaraguan meat inspection system because their personal safety could not be assured. Because of this, FSIS could not obtain current information and make the determinations necessary for maintenance of Nicaragua's eligibility to export meat and meat products to the United States. Therefore, on September 17, 1986, FSIS published a final rule (51 FR 17196) withdrawing the country of Nicaragua from the list of countries eligible to export meat to the United States.

In April 1990, Nicaragua requested relistment as a country eligible to export meat to the United States. Since several years have passed since its eligibility status was withdrawn, Nicaragua had to reestablish its eligibility by providing FSIS with current information on how its meat inspection system meets the provisions of the Federal Meat Inspection Act (FMIA) and regulations issued thereunder. Nicaragua has now demonstrated, through FSIS's eligibility process, that its meat inspection system imposes requirements at least equal to those of the United States. Therefore, FSIS is amending 9 CFR 327.2(b) by restoring Nicaragua to the list of countries eligible to import meat products into the United States.

EFFECTIVE DATE: The effective date for this rule is August 10, 1992.

FOR FURTHER INFORMATION CONTACT: Dr. Lawrence Skinner, Director, Foreign Programs Division, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC, (202) 720–6933.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator has determined in accordance with Executive Order 12291 that this rule is not a "major rule." It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions, and it will not have a significant effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule will restore Nicaragua to the list of countries from which meat products are eligible to be imported into the United States.

In 1983, its last full year of exporting meat to the United States, Nicaragua exported 26.4 million pounds of beef products to the United States. In 1984, when export activity to the United States was suspended temporarily due to problems with adequate residue testing and species verification programs, 11.1 million pounds of beef products were exported to the United States during a 9-month period. During a 4-month period in 1985, before the prohibition of all imports of goods and services of Nicaraguan origin under Executive Order 12513, Nicaragua exported 9.6 million pounds of beef products to the United States. Therefore, based on a monthly average of 1.8 million pounds (47.1 million pounds/25 months) for the 25-month period during 1983–1985, it is estimated that Nicaragua will export about 22.6 million pounds (1.88 million pounds × 12 months) of beef products to the United States now that is eligibility is restored. This amount represents only 0.06 percent of the total U.S. meat production, based on U.S. production of 39.6 billion pounds in 1989, and will have little, if any, impact on domestic producers.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. All State and local laws, regulations or policies except those that are consistent with this rule and apply to imported meat and meat products after entry into the United States are preempted. This rule is not intended to have retroactive effect. There are no applicable administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule or the implementation of its provisions.

Effect on Small Entities

The Administrator, FSIS, has determined that this rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, (5 U.S.C. 601), because the amount of product estimated to be imported represents only 0.06 percent (22.6 million pounds/39.6 billion pounds) of the U.S. domestic production.

Background

Pursuant to the FMIA (21 U.S.C. 601 *et seq.*), the Secretary of Agriculture is responsible for administrating the programs which are designed to ensure that meat products distributed to consumers are wholesome, not adulterated, and properly marked, labeled and packaged. The Secretary has delegated to the Administrator of FSIS the authority to issue regulations and implement appropriate procedures to ensure compliance with the requirements of the FMIA. In these regulations, the Administrator has established procedures by which foreign countries desiring to export meat products to the United States may become eligible to do so.

To obtain such eligibility, a country's inspection system must undergo a complete evaluation by FSIS personnel to assure compliance with requirements that are "at least equal to" the requirements of the FMIA and regulations issued thereunder as applied to official establishments in the United States. This evaluation consists of two processes, a document review and an on-site review of the inspection system operations.

The document review process begins when FSIS assesses the laws and regulations governing the country's inspection system for equivalency to the FMIA and regulations issued thereunder, and requires a foreign country to respond to a series of questionnaires which focus on its inspection controls in five risk areas: contamination, disease, processing, residue control, and compliance and economic fraud. FSIS then evaluates the responses to these questionnaires to assure that the critical points in each of the risk areas are being addressed satisfactorily.

When the document review proves to be satisfactory, FSIS sends a multi-disciplinary team on an on-site review to evaluate all aspects of the country's inspection system, including its laboratories and individual plants. On-site reviews are designed to further explore areas determined to require more detailed evaluation, and are also undertaken to allow FSIS to observe the system in its daily operations.

When this review is satisfactorily concluded, rulemaking is undertaken, and, if it is determined that the country meets the "at least equal" requirements, it is listed in the regulations as being eligible to import meat into the United States. Once a country is listed, FSIS monitors the foreign inspection system through a continuing oversight function to assure that the inspection system maintains the "at least equal to" requirements. This includes reinspections of a random sample of foreign meat products at U.S. ports-of-entry, and routine on-site reviews of the foreign inspection system.

Whenever the Administrator cannot obtain current information about the system of meat inspection being maintained by a foreign country, the Administrator has the authority, under 9 CFR 327.2(a)(4), to withdraw the eligibility of the foreign inspection system to export meat products into the United States.

In 1986, FSIS representatives could not make the required on-site reviews of the Nicaraguan meat inspection system because their personal safety could not be assured. As a result, on September 17, 1986, an amendment to 9 CFR 327.2(b) of the Federal meat inspection regulations was published in the **Federal Register** (51 FR 32903) withdrawing the eligibility of Nicaragua to export meat products to the United States.

In April 1990, Nicaragua requested relistment as a country eligible to export meat products to the United States. Because of the considerable lapse of time since its eligibility was withdrawn, it was necessary for Nicaragua to provide FSIS with current information demonstrating that its inspection system imposes requirements "at least equal" to all the provisions of the FMIA and therefore can be considered as eligible to have its meat imported into the United States.

Nicaragua—Review Results

Nicaragua's eligibility determination process effectively began in October 1990, with receipt of Nicaragua's questionnaire responses relating to five risk areas and official copies of Nicaragua's relevant meat inspection laws and regulations. The preliminary phase of the document review was conducted in November 1990, and Nicaragua was requested to provide additional information regarding controls in several key areas concerning prevention of diseased meat,

contamination, residue monitoring, processing, and compliance and economic fraud. Additional information was provided in December 1990; however, further clarification was still necessary for some of the risk areas. Discussions between FSIS and Nicaragua's inspection officials were held during 1991 to satisfactorily complete the document review process.

In January 1992, FSIS conducted an on-site review of Nicaragua's meat inspection system. The review team visited three meat plants and a government meat inspection laboratory. During the review process, the FSIS team noted minor variations in the application of requirements which were resolved through discussions with inspection officials. Therefore, based on the findings of the document and on-site reviews, and discussions with senior government meat inspection officials and various plant and laboratory personnel, FSIS has determined the meat inspection system of Nicaragua meets the "at least equal" requirements of the FMIA and the regulations issued thereunder.

Comments

The Agency received no comments in response to the proposed rule which was published in the **Federal Register** on April 15, 1992 (57 FR 13053); therefore, this rule is finalized as proposed.

Accordingly, FSIS is amending 9 CFR 327.2(b) of the Federal meat inspection regulations to add Nicaragua to the list of countries from which meat products may be eligible for importation into the United States. Although a foreign country may be listed as approved for importation of meat products, the meat products of such foreign country must also comply with other Federal laws including restrictions under the Animal and Plant Health Inspection Service regulations (9 CFR part 94), relating to the importation of meat products from foreign countries into the United States.

List of Subjects in 9 CFR Part 327

Food labeling, Food packaging, Imports, Meat inspection.

The Final Rule

For the reasons set forth in the preamble, FSIS is amending 9 CFR part 327 of the Federal meat inspection regulations as set forth below.

PART 327—IMPORTED PRODUCTS

1. The authority citation for part 327 would continue to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.17, 2.55.

2. Add "Nicaragua" to the alphabetical list of countries eligible to import cattle, sheep, swine, and goat products into the United States in § 327.2(b) of the Federal meat inspection regulations (9 CFR 327.2(b)).

Done at Washington, DC, on June 25, 1992.

H. Russell Cross,

Administrator, Food Safety and Inspection Service.

[FR Doc. 92–16171 File 7–9–92; 8:45 am]

BILLING CODE 3410–DM–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 92–ANM–6]

Establishment of Transition Area; Enterprise, Montana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes 700-foot and 1200-foot transition areas at Enterprise, Montana, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Glasgow Industrial Airport, formerly the Valley County Enterprise Airport. The airspace will be depicted on aeronautical charts for pilot reference.

EFFECTIVE DATE: 0901 u.t.c., August 15, 1992.

FOR FURTHER INFORMATION CONTACT: James E. Riley, ANM–537, Federal Aviation Administration, Docket No. 92–ANM–6, 1601 Lind Avenue SW, Renton, Washington 98055–4056, Telephone: (206) 227–2537.

SUPPLEMENTARY INFORMATION:

History

On April 21, 1992, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing the Enterprise, Montana, Transition Area to provide controlled airspace for aircraft executing a new instrument approach procedure to the Valley County Enterprise Airport (57 FR 14520). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. During the comment period, Valley County Enterprise Airport's name was changed to Glasgow Industrial Airport. This action reflects that name change. Accordingly, the rule is adopted as proposed, with the airport name change. Transition areas are published in section 71.181 of Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The transition area listed in this document will be published subsequently in the Handbook.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes 700-foot and 1200-foot transition areas to provide controlled airspace for aircraft executing a new instrument approach procedure to the Glasgow Industrial Airport, Enterprise, Montana. The intended effect is to ensure segregation of aircraft operating under Instrument Flight Rules and aircraft operating under Visual Flight Rules.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under he criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation Safety, Incorporation by reference, Transition areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.181 Designation

* * * * *

Enterprise, Montana [New]

That airspace extending upward from 700 feet above the surface within a 12 mile radius of Glasgow Industrial Airport (lat. 48°25'16"N, long. 106°31'38"W) excluding that area designated as the Glasgow, Montana, 700-foot transition area; that airspace extending upward from 1200 feet above the surface bounded on the south by the north edge of V430 and on the east by the west edge of the Glasgow, Montana, 1200-foot transition area, starting at lat. 48°23'50"N, long. 107°37'50"W to lat. 48°32'30"N, long. 107°07'00"W to lat. 48°20'20"N, long. 107°07'00"W, thence to point of beginning.

* * * * *

Issued in Seattle, Washington, on June 25, 1992.

Helen M. Parke,

Assistant Manager, Air Traffic Division.

[FR Doc. 92-16220 Filed 7-9-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 92-68]

Extension of Reciprocal Privileges to Saudi Arabian Aircraft

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by expanding the exemptions from customs duties and internal revenue taxes on certain supplies, equipment, and facilities used by commercial aircraft of Saudi Arabian registry. Previously, the exemption for such Saudi Arabian aircraft applied only to aircraft fuels, lubricants, and consumable technical supplies. Customs has been duly informed that the Government of Saudi Arabia now affords exemption privileges to U.S.-registered aircraft for spare parts, commissary stores, ground equipment, and other aircraft supplies, in connection with international commercial operations, that are substantially reciprocal to exemption privileges that may be allowed under U.S. law to aircraft of foreign registry. Accordingly, Customs is extending reciprocal customs duty and internal revenue tax exemptions on such supplies, equipment, and facilities used by commercial aircraft registered in Saudi Arabia.

EFFECTIVE DATE: These reciprocal privileges became effective April 1, 1990. This amendment is effective July 10, 1992.

FOR FURTHER INFORMATION CONTACT: William G. Rosoff, Entry Rulings Branch (202) 566-5856.

SUPPLEMENTARY INFORMATION:

Background

Sections 309 (a)(3) and (d) and 317, Tariff Act of 1930, as amended (19 U.S.C. 1309 (a)(3) and (d) and 1317), provide that foreign-registered aircraft engaged in foreign trade may withdraw from Customs or Internal Revenue custody, free of customs duties and internal-revenue taxes imposed by reason of importation, articles of foreign or domestic origin for supplies (including equipment), ground equipment, maintenance, or repair of the aircraft. The privileges granted by these sections are allowed only if the Secretary of Commerce finds and advises the Secretary of the Treasury that the foreign country in question affords substantially reciprocal privileges to U.S.-registered aircraft. The regulations implementing these reciprocal duty-free customs and internal-revenue tax exemptions are found at § 10.59(f), Customs Regulations (19 CFR 10.59(f)), which enumerates those countries entitled to reciprocal privileges and designates the extent of the exemptions allowed.

In T.D. 73-307, an exemption from duties and taxes, except for spare parts, commissary stores, ground equipment, and aircraft supplies other than fuels, lubricants and consumable technical supplies, was granted to aircraft registered in Saudi Arabia under the provisions of 19 U.S.C. 1309 and 1317. Section 10.59(f) reflects the reciprocal privileges granted Saudi Arabian aircraft as applicable only as to aircraft fuels, lubricants, and consumable technical supplies.

In accordance with 19 U.S.C. 1309(d), the Deputy Assistant Secretary for Services, International Trade Administration, Department of Commerce, has advised the Customs Service by letter dated April 20, 1992, that, following an appropriate investigation and based on Article 11 of the Air Transport Agreement between the Governments of the U.S. and Saudi Arabia, the Government of Saudi Arabia affords U.S.-registered aircraft engaged in international commercial operations exemption privileges substantially reciprocal to those exemption privileges allowed to foreign-registered aircraft by §§ 309 and 317 of the Tariff Act of 1930, as amended. The effective date of these findings was April 1, 1990. This document amends the list in § 10.59(f), Customs Regulations (19 CFR 10.59(f)), by removing the exception which indicated that Saudi Arabian commercial aircraft were only exempt from the payment of duties and taxes on fuel, lubricants, and consumable technical supplies withdrawn from Customs or Internal Revenue custody.

Authority to amend this section of the Customs Regulations has been delegated to the Chief, Regulations and Disclosure Law Branch.

Inapplicability of Public Notice and Comment Requirements, Delayed Effective Date Requirements, the Regulatory Flexibility Act, and Executive Order 12291

Because the subject matter of this document does not constitute a departure from established policy or procedures, but merely announces the granting of an exemption for which there is a statutory basis, it has been determined, pursuant to 5 U.S.C. 553(b)(B), that the notice and public comment procedures thereon are unnecessary. Further, for the same reasons and because Saudi Arabia has been found to be presently granting reciprocal exemption privileges to U.S.-registered aircraft, it has been determined, pursuant to 5 U.S.C. 553(d)(1) and (3), that a delayed effective date is not required. Since this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This amendment does not meet the criteria for a "major rule" as defined in E.O. 12291, therefore, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Gregory R. Vilders, Regulations and Disclosure Law Branch.

List of Subjects in 19 CFR Part 10

Aircraft, Caribbean Basin initiative, Exports, Customs duties and inspection, Imports, Reporting and recordkeeping requirements.

Amendment to the Regulations

To reflect the expanded reciprocal privileges granted to aircraft registered in Saudi Arabia, part 10, Customs Regulations (19 CFR part 10), is amended as set forth below:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. The authority citation for part 10 continues to read in part as follows:

Authority: 19 U.S.C. 66, 1202, 1481, 1484, 1498, 1508, 1623, 1624;

* * * * *

Section 10.59 also issued under 19 U.S.C. 1309, 1317;

* * * * *

§ 10.59 [Amended]

2. In § 10.59, paragraph (f) is amended by revising the text opposite "Saudi Arabia" in the column headed "Treasury Decision(s)" to read "73–307, 92–68" and by removing all text for that entry in the column headed "Exceptions if any, as noted".

Dated: July 2, 1992.

Kathryn C. Peterson,

Chief, Regulations and Disclosure Law Branch.

[FR Doc. 92–16154 Filed 7–9–92; 8:45 am]

BILLING CODE 4820–02–M

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19 CFR Part 162

[T.D. 92–69]

Disposition of Low Value Seized Property

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: The U.S. Customs Service is amending its regulations pertaining to the destruction or other appropriate disposition of seized property valued at less than $1,000 where the expense of storing such property is disproportionate to the value of the property. The amendment defines disproportionate insofar as it relates to the amount of the seizure costs compared to the value of the seized property. Customs is also amending the regulations to include the statutory administrative petitioning and judicial hearing rights of a claimant to destroyed or otherwise disposed of property. The regulations are also being amended to provide that a claimant receiving full or partial relief from the forfeiture will be reimbursed the difference between the value of the merchandise at the time of seizure and any remitted forfeiture amount the claimant is required to pay. These amendments will increase the efficiency of Customs seized property programs without unduly affecting the rights of claimants to seized property.

EFFECTIVE DATE: August 10, 1992.

FOR FURTHER INFORMATION CONTACT: Jeremy Baskin, Penalties Branch (202) 566–8317.

SUPPLEMENTARY INFORMATION:

Background

The Tariff and Trade Act of 1984 amended section 612 of the Tariff Act of 1930, as amended, to provide that if the expense of keeping any vessel, vehicle, aircraft, merchandise or baggage is disproportionate to the value thereof, and such value is less than $1,000, destruction or other appropriate disposition of such property may proceed forthwith (19 U.S.C. 1612(b)). This provision permits the appropriate Customs officer to order the immediate destruction or other appropriate disposition of low-value seized property that is too costly to store without requiring the completion of forfeiture proceedings prior to the destruction of the seized property.

In a Notice of Proposed Rulemaking published in the **Federal Register** on June 4, 1991 (56 FR 25383), Customs announced its intention to amend § 162.46(d)(2) of the Customs Regulations (19 CFR 162.46(d)(2)) which currently provides for the disposition of low-valued seized property and add new provisions to § 162.46. Customs received one comment in response to its request for public comment on the proposed amendment. Customs has determined that no significant issues were raised which were not adequately addressed by the proposed amendment or other current regulations which will remain in force. Accordingly, Customs has determined to publish the amendment as proposed.

Comment Analysis

The commentor raised questions regarding the treatment Customs would accord baggage contained in a seized vehicle or other conveyance, and the procedures Customs would use to assure that innocent owners of seized property would receive notification that their property was subject to disposal.

Customs points out that the underlying premise behind the amendment is that although the property being discussed has been seized because there has been a violation of a law administered by Customs, the property will be safeguarded to the greatest extent that is economically practical and feasible. The statute anticipates that a wide variety of property will be seized by Customs. It addresses all types of property, ranging from vessels and vehicles to regular merchandise and baggage. Customs is required by law to draw a distinction between the seizure of a conveyance and any merchandise or baggage which may be found thereon. The language in § 162.48(b)(1) of the amendment mirrors the disjunctive language of the statute and indicates that the values of seized properties will not be aggregated.

The commentor raised concerns that there was not protection for innocent owners of merchandise seized along with the vehicles of wrongdoers in the proposed amendment.

Customs is required, pursuant to the provisions of 19 CFR 162.31, to provide notice to any party which the facts on the record indicate may have an interest in seized property. The amendment specifically does not curtail any notice requirements because of a low value which might be assigned to seized goods, nor does it extinguish any petitioning rights that any party may have with respect to the seized goods. These rights include, where appropriate, the opportunity to offer full value of the seized property in exchange for its release.

It should be noted that low-value merchandise can only be disposed of summarily if the costs of storing such merchandise are disproportionate to its value. Much low-value seized merchandise is stored in the Customhouse in the district of seizure and the costs of such storage are low.

In response to the comment which raised the possibility that Customs might arbitrarily give a low appraisal to seized property in order to dispose of it quickly, Customs points out that the amendment will not alter current methods of appraisement of seized merchandise which is conducted pursuant to the provisions of 19 U.S.C. 1606 and 19 CFR 162.43.

The Amendments

Based on the foregoing discussion of the comment received on the proposed amendment Customs has determined that the proposed amendment should be adopted as final and the regulations amended accordingly.

The amendments are intended to clarify the meaning of disproportionate as it relates to the amount of the seizure costs as compared to the value of the seized property. The amendment provides that the expense of keeping and maintaining the property will be presumed to be disproportionate to its value where the expense has reached or is anticipated to reach 50 percent of the value of the property.

The amendment includes the statutory requirement that the right of a claimant relating to seized property which has been destroyed or disposed of will not be extinguished without the completion of forfeiture proceedings (19 U.S.C. 1607). Customs is also amending the regulations to provide that the administrative petitioning rights of a claimant, as provided for by § 618 of the Tariff Act of 1930, as amended, (19 U.S.C. 1618) and part 171 of the Customs Regulations (19 CFR part 171), will be preserved. Additionally, the Customs Regulations are being amended to provide that a claimant receiving full or

partial relief from forfeiture will be reimbursed the difference between the value of the merchandise at the time of seizure pursuant to 19 U.S.C. 1606 and § 162.43 of the Regulations (19 CFR 162.43) and any remitted forfeiture amount that the claimant is required to pay.

The Customs Regulations are also being amended to state that a claimant may file a claim and cost bond seeking judicial condemnation of seized property pursuant to 19 U.S.C. 1608. Finally, the Customs Regulations are also being amended to provide that, pursuant to 19 U.S.C. 1613b, a successful claimant to destroyed or otherwise disposed of property will be compensated from the Customs Forfeiture Fund.

Executive Order 12291 and the Regulatory Flexibility Act

In that this amendment does not meet the criteria for a "major rule" within the meaning of Executive Order 12291, Customs has not prepared a regulatory impact analysis. This amendment is certified under the provisions of § 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) not to have a significant economic impact on a substantial number of small entities.

Drafting Information

The principal author of this document was Peter T. Lynch, Regulations and Disclosure Law Branch, Office of Regulations and Rulings. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 162

Administrative practice and procedure, Customs duties and inspection, Drug traffic control, Exports, Law enforcement, Penalties, Reporting and recordkeeping requirements, Search warrants, Seizures and forfeitures.

Amendment to the Regulations

Part 162 Customs Regulations (19 CFR 162) is amended as set forth below:

PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

1. The general authority for part 162 and the authority for § 162.46 continue to read as follows and the authority for § 162.48 is revised:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1624.

* * * * *

Section 162.46 also issued under 19 U.S.C. 1609, 1611;

* * * * *

Section 162.48 also issued under 19 U.S.C. 1606, 1607, 1608, 1612, 1613b, 1618;

* * * * *

§ 162.46 [Amended]

2. Section 162.46 is amended by redesignating paragraph (d)(1) as paragraph (d) and by removing paragraph (d)(2).

3. Section 162.48 is amended by revising the section heading, designating the existing text as paragraph (a) and adding a new paragraph heading, and adding a new paragraph (b), to read as follows:

§ 162.48 Disposition of perishable and low-value property.

(a) *Disposition of perishable property.*

* * *

(b) *Disposition of low-value property.*

(1) If the expense of keeping any vessel, vehicle, aircraft, merchandise or baggage is disproportionate to the value thereof, and such value is less than $1,000, destruction or other disposition of such property may be ordered by the appropriate Customs officer. Storage expenses are presumed to be disproportionate to the value of the property where the expense has reached or is anticipated to reach 50 percent of the value of the property. The right of a claimant to seized property which has been destroyed or otherwise disposed of shall not be extinguished.

(2) Publication of a notice of the seizure, regardless of the disposition of the property, will be required pursuant to 19 U.S.C. 1607. Claimants to seized property will be permitted to file a petition for remission of the forfeiture pursuant to 19 U.S.C. 1618, and part 171 of this chapter. A claimant receiving full or partial relief from the forfeiture shall be reimbursed the difference between the value of the merchandise at the time of the seizure, pursuant to 19 U.S.C. 1606 and § 162.43 of this part, and any remitted forfeiture amount that the claimant is required to pay.

(3) A claimant to destroyed or otherwise disposed of seized property requesting relief in the form of payment may file a claim and cost bond and seek judicial hearing on the forfeiture pursuant to 19 U.S.C. 1608.

(4) Successful claimants shall be compensated from Customs Forfeiture Fund pursuant to 19 U.S.C. 1613b.

Approved: January 23, 1992.

Peter K. Nunez,

Assistant Secretary of the Treasury.

[FR Doc. 92-16155 Filed 7-9-92; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

RIN 1205-AA90

Wage and Hour Division

29 CFR Part 507

RIN 1215-AA70

Attestations by Employers Using Alien Crewmembers for Longshore Activities in U.S. Ports

AGENCY: Employment and Training Administration, Labor; and Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Interim final rule; extension of effective date.

SUMMARY: The Department of Labor has promulgated regulations for filing and enforcement of attestations by employers seeking to use certain alien crewmembers to perform longshore work at U.S. ports. This document extends the expiration date of the interim final rule.

DATES: Effective July 9, 1992 the expiration of the interim final rule published on May 30, 1991, as corrected at 56 FR 29431 (June 27, 1991), and extended by documents published January 3, 1992 (57 FR 182), April 1, 1992 (57 FR 10989) and July 1, 1992 (57 FR 29203) is extended through September 8, 1992.

FOR FURTHER INFORMATION CONTACT: On 20 CFR part 655, subpart F, and 29 CFR part 506, subpart F, contact Flora Richardson, Chief, Division of Foreign Labor Certifications, United States Employment Service, Employment and Training Administration, Department of Labor, room N-4470, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 535-0174 (this is not a toll-free number).

On 20 CFR part 655, subpart G, and 29 CFR part 506, subpart G, contact Solomon Sugarman, Wage and Hour Division, Employment Standards Administration, Department of Labor, room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 523-7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On May 30, 1991, the Department of Labor (DOL) published an interim final rule adding, at 20 CFR part 655, subparts F and G, and at 29 CFR part 507, subparts F and G, regulations for filing and enforcement of

attestations by employers seeking to use certain alien crewmembers to perform longshore work at U.S. ports, pursuant to section 258 of the Immigration and Nationality Act. 56 FR 24648 (May 30, 1991); see 8 U.S.C. 1288. Public comments were invited through July 29, 1991, and the interim final rule was effective from May 28, 1991, through December 31, 1991. The expiration date later was extended through March 31, 1992, 57 FR 182 (January 3, 1992). It was further extended through June 30, 1992, 57 FR 10989 (April 1, 1992), and later extended to July 10, 1992, 56 FR 29203 (July 1, 1992).

DOL has determined that it requires additional time to publish the final rule. This additional time will extend past July 10, 1992. So as not to have an interruption in the regulations governing the program, DOL is extending the expiration date for the interim final rule, before which time a final rule is expected to be published.

Accordingly, FR Doc. 91-12718, 56 FR 24648 (May 30, 1991), is amended, by revising the first sentence in the "**DATES**" section to read "*Effective dates*: May 28, 1991, through September 8, 1992."

Signed at Washington, DC, this 8th day of July, 1992.

Lynn Martin,

Secretary of Labor.

[FR Doc. 92-16317 Filed 7-8-92; 11:24 am]

BILLING CODE 4510-30-M, 4510-27-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

Animal Drugs, Feeds, and Related Products; Change of Sponsor Name and Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor name and address from Sterling Drug Inc., to Sterling Winthrop, Inc., Nine Great Valley Pkwy., Malvern, PA 19355.

EFFECTIVE DATE: July 10, 1992.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8646.

SUPPLEMENTARY INFORMATION: Sterling Drug Inc., Nine Park Ave., New York, NY 10016, has advised FDA of a change of sponsor name and address from Sterling Drug Inc., to Sterling Winthrop, Inc., Nine Great Valley Pkwy., Malvern, PA 19355. The agency is amending the regulations in 21 CFR 510.600(c)(1) and (c)(2) to reflect this change.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR Part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR Part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

§ 510.600 [Amended]

2. Section 510.600 is amended in the table in paragraph (c)(1) by removing the entry for "Sterling Drug Inc.,"and by alphabetically adding a new entry "Sterling Winthrop, Inc.," and in the table in paragraph (c)(2) in the entry for "000934" by revising the sponsor name and address to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Sterling Winthrop, Inc., 9 Great Valley Pkwy., Malvern, PA 19355	000934
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
000934	Sterling Winthrop, Inc., 9 Great Valley Pkwy., Malvern, PA 19335.
* * * * *	

Dated: July 6, 1992.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 92-16197 Filed 7-9-92; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD1 92-079]

Special Local Regulations: Montauk Grand Prix, Montauk, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary special local regulations for the Montauk Grand Prix, an offshore powerboat race which will take place in Block Island Sound. These regulations restrict access to the area of the race course and are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: This temporary regulation is effective from 11 pm to 3 pm on July 11, 1992. In case of inclement weather, the effective date will be July 12, 1992, from 11 am to 3 pm.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) Eric G. Westerberg, Chief Boating Safety Affairs Branch, (617) 223-8310.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of these regulations are LTJG E. G. WESTERBERG, Project Officer, First Coast Guard District Boating Safety Affairs Branch, and LCDR J. ASTLEY, Project Attorney, First Coast Guard District Legal Office.

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold the event was not received until June 2, 1992 and there was not sufficient time remaining to publish rules in advance of the event or to provide for a delayed

effective date. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to respond to any potential hazards associated with this type of marine event. The event is of such local popularity that delay or cancellation to provide for an NPRM would be against the public interest.

Background and Purpose

The Montauk Grand Prix is a high high speed powerboat race which will be held adjacent to Montauk, NY in Block Island Sound. This event will include up to 50 powerboats competing on a rectangular course at speeds approaching 100 m.p.h. The regulated area will be the race course and spectator areas, and will be patrolled by the Coast Guard, Coast Guard Auxiliary, sponsor provided patrols, state and local law enforcement officials. No vessel other than participants or those vessels authorized by either the sponsor or the Coast Guard Patrol Commander shall enter the regulated area. The potential hazards to participants, spectators, and transiting vessels are such that in the interest of safety of life on the navigable waters of the United States, the Coast Guard District Commander is issuing special local regulations governing the conduct of the regatta. The circumstances requiring this regulation result from the desire to protect the maritime public from possible hazards associated with high speed powerboat racing.

Regulatory Evaluation

These regulations are not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The regulated area does not obstruct commercial shipping lanes or harbor entrances. All shore points of Napeague Bay will remain accessible to vessel traffic via alternate routes around the race course. The Coast Guard will attempt to minimize any delays for commercial vessels transiting the area. The economic impact of this proposal is expected to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Due to the limited duration of the event the Coast Guard expects the impact of this regulation to be minimal, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C 3501).

Federalism

The Coast Guard has analyzed this action in accordance with the principles of a criteria contained in Executive Order 12612 and has determined that this proposal does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this regulation and has concluded under section 2.B.2.c of Commandant Instruction M16475.1B, that it will have no significant impact and is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35T01–079 is added to read as follows:

§ 100.35T01–079 Montauk Grand Prix, Montauk, New York.

(a) Regulated area. The regulated area will include waters within the following points:

	Latitude	Longitude
Point 1	41°04.8'N	71°57.8'W
Point 2	41°05.6'N	71°57.2'W
Point 3	41°04.4'N	72°02.0'W
Point 4	41°02.6'N	72°03.7'W
Point 5	41°01.8'N	72°03.2'W

(b) Special local regulations. (1) Commander, Coast Guard Group Moriches reserves the right to delay, modify or cancel the race as conditions or circumstances require.

(2) No vessel may enter, transit, or remain in the regulated area during the effective period of regulation unless participating in the event or as authorized by the event sponsor or Coast Guard personnel.

(3) All vessels viewing the event that are not registered with the sponsor as participants or not part of the regatta patrol are considered spectators. Spectator vessels must be at anchor within the designated spectator area.

(4) The sponsor shall be responsible for proper marking for the course within the regulated area and adequately marking the boundaries of the spectator area. All turn and spectator area buoys shall be established in a position agreeable to the Coast Guard Patrol Commander not later than one hour prior to the start of the event. All buoys marking the course and spectator area must be removed not later than one hour after completion of the event.

(5) The sponsor shall provide no less than (6) six vessels for spectator control and to secure the race area. If the sponsor does not provide a sufficient number of vessels to patrol the event, the Coast Guard patrol Commander may terminate the event. These vessels shall be on scene no later than one hour prior to the start of the event.

(6) Race participants must remain on the course when racing. Any participating vessel straying from the race course must reduce speed and return to the course at headway speed. Only disabled race boats will be allowed to enter the spectator area. If a contestant enters the spectator area for any other reason, they will be automatically disqualified and the race may be terminated.

(7) All persons shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(8) In the event of an emergency or as directed by the Coast Guard Patrol Commander, the sponsor shall immediately dismantle the race course. At the discretion of the patrol commander, any violation of the provisions contained within this regulation shall be sufficient grounds to terminate the event.

(c) Effective dates. These regulations are effective between the hours of 11 a.m. and 3 p.m. on July 11, 1992. In case of inclement weather, the regulations will be effective between the hours of 11 a.m. and 3 p.m. on July 12, 1992.

Dated: July 2, 1992.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard Commander, First Coast Guard District.

[FR Doc. 92-16256 Filed 7-9-92; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD 05-92-28]

Special Local Regulations for Marine Events; Night in Venice Boat Parade, Ship Channel and Great Egg Waterway, Ocean City, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of special local regulations.

SUMMARY: This notice implements special local regulations for the Night in Venice Boat Parade, an annual event to be held on July 18, 1992 in the Ship Channel and on the Great Egg Waterway, Ocean City, New Jersey. These special local regulations are needed to provide for the safety of the participants and spectators on navigable waters during this event. The effect will be to restrict general navigation in the regulated area.

EFFECTIVE DATES: The regulations in 33 CFR 100.504 are effective from 5:00 p.m. to 11:45 p.m., July 18, 1992.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204, or Commander, Coast Guard Group Cape May (609) 884-6981.

Drafting Information

The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and LT Monica L. Lombardi, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulations

The City of Ocean City, New Jersey, has submitted an application to hold the Night in Venice Boat Parade. The event will consist of approximately 120 vessels less than 65 feet in length. The parade will start at Ship Channel Buoy 4(LLNR 1160), cruise down the channel through Great Egg Waterway to Daybeacon 28(LLNR 33865), and return to Great Egg Waterway Buoy 2(LLNR 33800). Since this event is of the type contemplated by these regulations, the safety of the participants will be enhanced by the implementation of the special local regulations in 33 CFR 100.504. Commercial traffic should not be severely disrupted at any given time, since commercial vessels will be permitted to transit the regulated area as the parade progresses.

Dated: June 22, 1992.

W. T. Leland,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 92-16249 Filed 7-9-92; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD 05-92-29]

Special Local Regulations for Marine Events; The Start of the Cock Island Race; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of special local regulations.

SUMMARY: This notice implements special local regulations for the start of the Cock Island Race from the Portsmouth Seawall area of the Southern Branch of the Elizabeth River, Norfolk Harbor, Norfolk and Portsmouth, Virginia on July 18, 1992. The sailboats will race to Hampton Roads and return. These special local regulations are needed to control vessel traffic within the area due to the confined nature of the waterway and the expected vessel congestion during the starting of the races. The effect will be to restrict general navigation in the regulated area for the safety of participants in the races.

EFFECTIVE DATES: The regulations in 33 CFR 100.501 are effective from 9:00 a.m. to 2 p.m., on July 18, 1992.

FOR FURTHER INFORMATION CONTACT: Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District 431 Crawford Street, Portsmouth, Virginia 23705 (804) 398-6204, or Commander, Coast Guard Group Hampton Roads (804) 483-8568.

Drafting Information

The drafters of this notice are QMI Kevin R. Connors, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and LT Monica L. Lombardi, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulation

Ports Events, Inc., of Portsmouth, Virginia, submitted an application to hold the Cock Island Race. The race will consist of over 200 sailboats ranging from 22 to 60 feet. The sailboats will be divided into several classes. Each class will start at ten minute intervals from the Portsmouth Seawall area of the Southern Branch of the Elizabeth River, Norfolk Harbor, Norfolk and Portsmouth, Virginia on July 18, 1992, race to Hampton Roads and return. Because this is the type of event contemplated by these regulations, and because the safety of the participants would be enhanced by the implementation of the special local regulations for this regulated area, the regulations in 33 CFR 100.501 are being implemented for the start of the races.

Dated: June 22, 1992

W.T. Leland,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 92-16250 Filed 7-9-92; 8:45 am]

BILLING CODE 4710-14-M

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33 CFR Part 100

[CGD 09-92-13]

Special Local Regulations: APBA Great Lakes Challenge, Cuyahoga River, Cleveland, OH

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: Special Local Regulations are being adopted for the APBA Great Lakes Challenge. This event will be held on the Cuyahoga River, Cleveland, OH, on the 15th and 16th of August 1992, from 7 a.m. (e.d.s.t.) until 7 p.m. (e.d.s.t.), each day. This event will have an estimated 150 jet skis and wetbikes racing a closed course race on the Cuyahoga River which could pose hazards to navigation in the area. Special Local Regulations are necessary to ensure the safety of life and property on portions of the Cuyahoga River during this event.

EFFECTIVE DATE: These regulations will become effective from 7 a.m. (e.d.s.t.) until 7 p.m. (e.d.s.t.), each day, on August 15, and August 16, 1992.

FOR FURTHER INFORMATION CONTACT: William A. Thibodeau, Marine Science Technician Third Class, U.S. Coast Guard, Aids to Navigation & Waterways Management Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199-2060, (216) 522-4420.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a Notice of Proposed Rule Making has not been

published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold this event was not received by the Commander, Ninth Coast Guard District, until June 1, 1992, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this regulation are William A. Thibodeau, Marine Science Technician Third Class, U.S. Coast Guard, project officer, Aids to Navigation & Waterways Management Branch and M. Eric Reeves, Commander, U.S. Coast Guard, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The APBA Great Lakes Challenge will be conducted on the Cuyahoga River, Cleveland, OH, between the Main Avenue Viaduct Bridge, Conrail Lift Bridge, and Baltimore & Ohio Railroad Bridge, on the 15th and 16th of August 1992. This event will have an estimated 150 jet skis and wetbikes racing in a closed course race, including slalom and freestyle racing marked by perimeter buoys, which could pose hazards to navigation in the area. In order to provide for the safety of life and property, the Coast Guard will be regulating vessel traffic within this section of the Cuyahoga River. A no wake zone on the outside of the race course area will be established in which direction of vessel traffic will be designated by the Coast Guard Patrol Commander. When determined appropriate by the Coast Guard Patrol Commander, racing shall be suspended and, if necessary, race course buoys shall be removed to provide for the passage of all commercial vessel traffic on the days of racing. Commercial vessels desiring to transit the regulated area shall provide prior notification to the Coast Guard Patrol Commander to ensure a safety transit can be made. Recreational vessel traffic desiring to transit the regulated area may do so only with prior approval of the Coast Guard Patrol Commander (Officer in Charge, U.S. Coast Guard Station Cleveland Harbor, OH).

Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of spectator craft into the area for the duration of the event. This should have a favorable impact on commercial facilities providing services to the spectators. Any impact on commercial traffic in the area will be negligible.

Since the impact of this regulation is expected to be minimal, the Coast Guard certified that it will not have a significant economic impact on a substantial number of small entities.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 100

Marine Safety, navigation (water).

Temporary Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Part 100 is amended by adding a temporary section 100.35–T0913 to read as follows:

§ 100.35 T0913 APBA Great Lakes Challenge, Cuyahoga River, Cleveland, OH.

(a) *Regulated area.* That portion of the Cuyahoga River, Cleveland, OH, between the Conrail Lift Bridge on the north, the Baltimore & Ohio Railroad (Bascule) Bridge on the west, and the Main Avenue Viaduct Bridge on the south.

(b) *Special local regulations.* (1) The regulated area will be restricted from 7 a.m. (e.d.s.t.) until 7 p.m. (e.d.s.t.), each day, on the 15th and 16th of August, 1992, unless sooner terminated by the Coast Guard Patrol Commander. During the restricted periods, no vessel may transit, anchor, or remain in the regulated area without the permission of the Coast Guard Patrol Commander. Vessels in the area shall comply with the directions of the Coast Guard Patrol Commander.

(2) The Coast Guard will patrol the regulated area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on channel 16 (156.8 MHZ) by the call sign "Coast Guard Patrol Commander". Commercial vessels desiring to transit the regulated area shall make an advance request to the Coast Guard Patrol Commander. All transiting vessel traffic will be operated at bare steerageway, and will exercise a high degree of caution in the area.

(3) The Patrol Commander may direct the anchoring, mooring, or movement of any boat or vessel within the regulated area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Any vessel so signaled shall stop and shall comply with the orders of the Patrol Commander. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(4) The Patrol Commander may establish vessel size and speed limitations, and operating conditions.

(5) The Patrol Commander may restrict vessel operation within the regulated area to vessels having particular operating characteristics.

(6) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

Dated: June 30, 1992.

G.A. Penington,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 92–16253 Filed 7–9–92; 8:45 am]

BILLING CODE 4910–14–M

Coast Guard

33 CFR Parts 100 and 165

[CGD 92–042]

Safety and Security Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: This document gives notice of temporary safety zones, security zones, and local regulations. Periodically the Coast Guard must issue safety zones, security zones, and special local regulations for limited periods of time in limited areas. Safety zones are established around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or

congested area. Special local regulations are issued to assure the safety of participants and spectators of regattas and other marine events.

DATES: The following list includes safety zones, security zones, and special local regulations that were established between April 1, 1992 and June 31, 1992 and have since been terminated. Also included are several zones established earlier but inadvertently omitted from the past published list.

ADDRESSES: The complete text of any temporary regulation may be examined at, and is available on request, from Executive Secretary, Marine Safety Council (G–LRA), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Don Harris, Regulatory Paralegal, Marine Safety Council at (202) 267–1477 between the hours of 8 a.m. and 3:30 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: The local Captain of the Port (COTP) must be immediately responsive to the safety needs of the waters within COTP jurisdiction; therefore, the COTP has been delegated the authority to issue these regulations. Since events and emergencies usually take place without advance notice or warning, timely publication of notice in the **Federal Register** is often precluded. However, the affected public is informed through Local Notices to Mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the zone to keep the public informed of the regulatory activity. Because mariners are notified by Coast Guard officials on scene prior to enforcement action, **Federal Register** notice is not required to place the special local regulation, security zone, or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of these temporary local regulations, security zones, and safety zones. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the **Federal Register** just as any other rulemaking. Temporary zones are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated. Non-major safety zones, special local regulations and security zones have been exempted from review under E.O. 12291 because of their emergency nature and temporary effectiveness.

The following regulations were placed in effect temporarily during the period April 1, 1992 through June 30, 1992, unless otherwise indicated.

Docket #	Location	Type	Effective Date
CGD1-92-016	Bazaar 40th Birthday Party	Safety	25 Apr 92
CGD1-92-017	Greenwood Lake Powerboat Classic	Safety	16 May 92
CGD1-92-021	Fleet Week, New York Harbor, NY	Safety	20 May 92
CGD1-92-022	Flushing Bay, East River, New York	Safety	23 Mar 92
CGD1-92-023	Chelsea Challenge 2000	Security	04 Apr 92
CGD1-92-025	Narragansett Bay, Quonset Pt	Safety	05 Jun 92
CGD1-92-026	Kill Van Kull, New York	Safety	28 Mar 92
CGD1-92-028	USS John F. Kennedy, NY Harbor, NY	Safety	26 May 92
CGD1-92-029	Boken 92 Fireworks, Lower Hudson	Safety	26 Apr 92
CGD1-92-031	Niantic River Regatta	Safety	02 May 92
CGD1-92-032	Harvard-Yale Regatta, New London	Special	06 Jun 92
CGD1-92-033	Fairfield Aerial Fireworks	Safety	05 Jul 92
CGD1-92-035	Westport P.A.L. Fireworks	Safety	02 Jul 92
CGD1-92-036	Riverfest, Hudson River, New York	Special	07 Jun 92
CGD1-92-038	Amazon Club Grand Opening Fireworks	Safety	18 May 92
CGD1-92-041	Circle Line Fireworks	Safety	26 May 92
CGD1-92-043	Baseball Day Weekend Fireworks	Safety	20 June 92
CGD1-92-045	Oyster Bay Fireworks	Safety	04 Jul 92
CGD1-92-048	Boston Main Channel, Boston, MA	Safety	17 Jun 92
CGD1-92-50	New Bedford Harbor, MA	Safety	04 Jul 92
CGD1-92-051	Bristol Harbor, RI	Safety	04 Jul 92
CGD1-92-052	Stippican Harbor, MA	Safety	04 Jul 92
CGD1-92-059	Subfest '92	Safety	04 Jul 92
CGD1-92-060	City of Norwalk Firework Display	Safety	03 Jul 92
CGD1-92-063	Raritan Bay, New York, New Jersey	Safety	03 Jul 92
CGD1-92-066	Town of Stratford 7/4/ Fireworks	Safety	03 Jul 92
CGD1-92-067	Long Point, Manasquan River	Safety	04 Jul 92
CGD1-92-068	Hempstead Harbor, Western Long Is	Safety	10 Jun 92
CGD1-92-069	Vineyard Sound, Falmouth, MA	Safety	04 Jul 92
CGD1-92-071	Hyannis Harbor, MA	Safety	04 Jul 92
CGD1-92-072	Stamford Fourth of July 1992	Safety	05 Jul 92
CGD1-92-073	Burlington Independence Day	Safety	03 Jul 92
CGD1-92-074	Hickey Fireworks Display	Safety	20 Jun 92
CGD1-92-076	Annual Norwich Fireworks	Safety	03 Jul 92
CGD1-92-077	East Rockaway, New York Fireworks	Safety	04 Jul 92
CGD1-92-081	4th of July Fireworks—Middletown	Safety	05 Jul 92
CGD1-92-082	Town of Old Lyme, CT Fireworks	Safety	04 Jul 92
CGD5-92-016	Sails, Props, and Sales Parade of Boat, Elizabeth River	Special	25 Apr 92
CGD5-92-019	Ocean View Offshore Grand Prix	Special	16 May 92
CGD5-92-032	Discovery Sail of America 1992	Special	26 Jun 92
CGD7-92-033	Lake Worth, ICW, Mile 1022	Special	01 May 92
CGD7-92-034	San Juan Harbor, June 1–15	Temporary	01 Jun 92
CGD7-92-051	San Juan Harbor, San Juan, PR	Special	24 May 92
CGD7-92-057	City of Augusta, Georgia	Special	15 Jun 92
CGD8-92-010	Banana Bend Championship Outboard	Special	04 Apr 92
CGD8-92-011	East-West Powerboat Shootout	Special	04 Apr 92
CGD8-92-013	Star Boat Race—Neches River	Special	25 Apr 92
CGD8-92-014	Galveston Blessing of the Fleet	Special	03 May 92
CGD13-92-08	Tacoma Fourth of July Air Show	Special	04 Jul 92

Docket #	Location	Type	Effective Date
	Captain of the Port Regulations		
Baltimore 92-05-14	Patapsco River	Safety	29 May 92
Baltimore 92-05-15	Severn River, Annapolis	Security	27 May 92
Baltimore 92-05-16	Patapsco River	Safety	14 Jun 92
Baltimore 92-05-19	Upper Chesapeake Bay	Safety	08 Jun 92
Baltimore 92-05-22	Patuxent River	Safety	04 Jul 92
Baltimore 92-05-25	Upper Chesapeake Bay	Safety	22 May 92
Charleston 92-29	Intracoastal Waterway SC	Safety	19 Apr 92
Charleston 92-38	Cooper River	Safety	27 Apr 92
Charleston 92-53	Ashley River	Safety	07 Jun 92
Chicago 09-92-07	Lake Michigan & Chicago	Security	23 Apr 92
Corpus Christi 91-10	Victoria Barge Canal	Safety	31 Dec 91
Corpus Christi 92-02	Corpus Christi Channel	Safety	30 Mar 92
Corpus Christi 92-03	Corpus Christi Channel	Safety	03 May 92
Corpus Christi 92-04	Corpus Christi Channel	Safety	10 Apr 92
Corpus Christi 92-05	Corpus Christi Channel	Safety	20 May 92
Corpus Christi	Gulf Intracoastal W'Way	Safety	25 Jun 92
Corpus Christi 92-09	Corpus Christi Channel	Safety	16 Jun 92
Hampton Rds 92-05-09	Elizabeth River	Safety	29 Mar 92
Hampton Rds 92-05-10	Chesapeake Bay-Hampton Rd	Safety	03 Apr 92
Hampton Rds 92-05-11	Chesapeake Bay	Security	24 Apr 92
Hampton Rds 92-05-13	James River, Newport News	Safety	11 May 92
Hampton Rds 92-05-14	Chesapeake Bay	Safety	22 May 92
Hampton Rds 92-05-15	Albermarle Sound, Oregon	Safety	05 May 92
Hampton Rds 92-05-15	Albermarle Sound, Oregon	Safety	22 May 92
Hampton Rds 92-05-16	Newport News Channel	Safety	02 Jun 92
Hampton Rds 92-05-17	James River, Newport News	Safety	02 Jun 92
Hampton Rds 92-05-19	Newport News Channel	Safety	04 Jun 92
Hampton Rds 92-05-20	Newport News Channel	Safety	16 Jun 92
Hampton Rds 92-05-21	Chesapeake Bay	Safety	26 Jun 92
Hampton Rds 92-05-23	James River	Safety	16 Jun 92
Houston 92-01	Houston Ship Channel	Safety	06 Feb 92
Houston 92-02	Houston Ship Channel	Safety	10 Feb 92
Jacksonville 92-22	Intracoastal Waterway	Safety	12 Apr 92
Jacksonville 92-35	Amelia River, Fernandina	Safety	01 May 92
Jacksonville 92-32	St. Johns River	Safety	17 Apr 92
Jacksonville 92-40	Intracoastal Waterway	Safety	08 May 92
LA/LB 91-24	Ports of Los Angeles	Security	04 Jan 92
Louisville 92-01	Ohio River	Safety	11 Apr 92
Louisville 92-03	Ohio River	Safety	28 Apr 92
Louisville 92-05	Ohio River	Safety	04 Jul 92
Louisville 92-06	Ohio River	Safety	04 Jul 92
Louisville 92-07	Ohio River	Safety	04 Jul 92
Miami 92-36	Port Everglades	Safety	27 Apr 92
Miami 92-39	Key West, Florida	Safety	16 May 92
Miami 92-42	Miami, Florida	Safety	18 May 92
Milwaukee 92-165	Pt Beach Nuclear Plant	Safety	26 Apr 92
Mobile 92-02	Mobile Bay, Al	Safety	11 Apr 92
Mobile 92-03	Gulf Intracoastal	Safety	05 Jun 92
New Orleans 91-19	Lower Mississippi River	Safety	31 Dec 92
New Orleans 92-01	Lower Mississippi River	Safety	04 Jan 92
New Orleans 92-10	Lower Mississippi River	Safety	16 May 92
Paducah 92-05	Tennessee River	Safety	24 Feb 92
Paducah 92-09	Cumberland River	Safety	10 May 92
Paducah 92-10	Tennessee River	Safety	06 Jun 92
Paducah 92-11	Ohio River	Safety	10 May 92
Paducah 92-12	Ohio River	Safety	10 May 92
Paducah 92-13	Ohio River	Safety	11 May 92
Paducah 92-15	Tennessee River	Safety	10 Jun 92
Paducah 92-15	Tennessee River	Safety	17 Jun 92
Paducah 92-16	Tennessee River	Safety	28 Jun 92
Philadelphia 92-12	Marcus Hook	Safety	05 Apr 92
Philadelphia 92-13	Marcus Hook	Safety	05 Apr 92
Philadelphia 92-05-17	Schuylkill River	Safety	05 Apr 92
Philadelphia 92-15	Marcus Hook	Safety	18 Apr 92
Philadelphia 92-16	Marcus Hook	Safety	18 Apr 92
Port Arthur 92-01	GIWW MM 264—269	Safety	11 Mar 92
San Diego 92-01	San Diego Bay	Safety	29 Apr 92
San Francisco 92-03	San Francisco Bay	Safety	22 Jun 92
San Juan 92-50	Grand Regatta Fireworks	Safety	13 Jun 92
Savannah 92-213	Savannah River	Safety	26 Mar 92
Savannah 92-45	Savannah River	Safety	10 May 92
Tampa 92-24	Florida East of Albert Whitted Airport	Safety	05 Apr 92
Tampa	Headwaters of Crystal	Safety	22 May 92
Tampa 92-30	Spanish Caravel Vessels	Safety	10 Apr 92
Wilmington 92-001	NE Cape Fear River	Safety	30 Mar 92
Wilmington 92-004	Cape Fear River	Safety	04 Jul 92

Dated: July 7, 1992.

D.M. Wrye,

Lieutenant Commander, USCG Acting Executive Secretary Marine Safety Council.

[FR Doc. 92-16244 Filed 7-9-92; 8:45 am]

BILLING CODE 4910-14-M

Coast Guard

33 CFR Part 117

[CGD7 92-03]

Drawbridge Operation Regulations: Atlantic Intracoastal Waterway, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Florida Department of Transportation, the Coast Guard is amending the regulations governing the Brooks Memorial (Southeast 17th Street) drawbridge, mile 1065.9, at Fort Lauderdale, by changing the opening schedule from a 15-minute closure period by use of a time clock after each opening to an on the hour and half-hour opening schedule.

EFFECTIVE DATE: August 10, 1992.

FOR FURTHER INFORMATION CONTACT: Brodie Rich, Project Manager at (305) 536-4103.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Brodie Rich, Project Officer, and LT J. M. Losego, Project Counsel.

Regulatory History

On April 6, 1992, the Coast Guard published a notice of proposed rulemaking entitled DRAWBRIDGE OPERATION REGULATIONS in the **Federal Register** (57 FR 11592). The Coast Guard received 115 letters commenting on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

This drawbridge opens on signal except that from 7 a.m. to 7 p.m., daily, the draw need not be reopened for a period of 15 minutes after each closure. The owner of or agency controlling the bridge has been required to display on both sides of the bridge a time clock which is acceptable to the District Commander and which indicates to approaching vessels the number of minutes remaining before the draw is available for opening. Public vessels of the United States, tugs with tows, and vessels in a situation where a delay would endanger life or property have been passed through the draw at any time. The Florida Department of Transportation (FDOT) initially requested changing the time clock from 15-minute closures to 30-minute closures after each opening. The Coast Guard tested this regulation and the results indicated that the extended closure would create unsafe navigational conditions. The Coast Guard then tested bridge openings on the hour and half-hour which have reduced highway traffic congestion without unreasonably impacting navigation.

Discussion of Comments and Changes

The Coast Guard received 115 letters commenting on the proposed hour and half-hour opening schedule. All commenters supported the proposal. Navigation and highway traffic levels during the test period were lighter than a similar period in 1991, however, the hour and half-hour openings appear to have improved highway traffic flow while affording navigation and highway users an opportunity to plan their bridge transit times.

Regulatory Evaluation

These regulations are considered to be not major under Executive Order 12291 and not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this change to be so minimal that a Regulatory Evaluation is unnecessary. We conclude this because the rule exempts tugs with tows.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Coast Guard must consider whether this change will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

Since tugs with tows are exempt from this change, the economic impact is expected to be minimal. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

Federalism

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612, and has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of this final rule and concluded that, under section 2.B.2.g.(5) of Commandant Instruction M16475.1B, promulgation of operating requirements for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket for inspection or copying at the following address: Commander, U.S. Coast Guard, Seventh Coast Guard District, 909 S.E. First Avenue, Brickell Plaza, Federal Building, Miami, FL 33131.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard is amending 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g).

2. In § 117.261, paragraph (hh) is revised to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

* * * * *

(hh) The draw of the Brooks Memorial (S.E. 17th Street) bridge, mile 1065.9 at Fort Lauderdale, shall open on signal; except that from 7 a.m. to 7 p.m. the draw need open only on the hour and half-hour.

* * * * *

Dated: June 29, 1992.

William P. Leahy, Jr.,

Rear Admiral, U.S. Coast Guard Commander, Seventh Coast Guard District.

[FR Doc. 92-16254 Filed 7-9-92; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGDI 92-085]

Safety Zone; Boston Main Channel, Boston Inner Harbor, Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone in the waters of Boston Harbor between the Subaru Terminal in South Boston and Bird Island Flats (the southwest corner of Logan Airport) in East Boston. Vessel movements within this safety zone are permitted under the criteria set forth in this regulation. This action is necessary to protect the maritime community from the possible dangers and hazards to navigation associated with the extensive blasting and dredging operations which are being conducted in conjunction with the construction of the Third Harbor Tunnel.

EFFECTIVE DATES: This regulation becomes effective on July 1, 1992 at 12:02 a.m. and terminates at 12:01 a.m., October 1, 1992.

ADDRESSES: The docket for this rulemaking is available for inspection or copying at room 234, U.S. Coast Guard Marine Safety Office, 455 Commercial Street, Boston, MA 02109–1045, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Chris Oelschlegel, USCG Marine Safety Office Boston, at (617) 223–3000.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Lieutenant Chris Oelschlegel, project officer for the Captain of the Port Boston, and Lieutenant Commander John Astley, project attorney, First Coast Guard District Legal Office.

Regulatory History

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Third Harbor Tunnel marine construction activities have been ongoing in the Boston Main Channel, Boston Inner Harbor since January 1992. Dredging and marine underwater blasting operations were supposed to have been completed, initially, in March 1992. In support of the construction, the Coast Guard established a safety zone in the Boston Main Channel (57 FR 3). Due to unforeseen delays in the start-up of construction activity, the Coast Guard, at the request of the Massachusetts Highway Department, the project coordinators, extended the effective date of the rulemaking (57 FR 77), until 12:01 a.m. June 30, 1992. The new termination date coincides with the anticipated suspension of marine construction activity due to a moratorium imposed by the Army Corps of Engineers in response to environmental concern over the annual migration of lobster through Boston Inner Harbor.

On June 24, 1992, the Coast Guard received yet another request from the Massachusetts Highway Department asking that the safety zone in effect for Boston Harbor be extended again through November 1, 1992. Discussions with the Army Corps of Engineers indicated that the lobster moratorium, which was to have shut down construction activity, will in fact be lifted.

The Coast Guard wishes to work cooperatively with the Massachusetts Highway Department and to support the needs of the Third Harbor Tunnel construction project to the greatest extent possible in order to ensure safety. Accordingly, the Coast Guard will allow the effective date of the first safety zone to lapse and, at 12:02 a.m., July 1, 1992, will implement a new safety zone to remain in effect till 12:01 a.m. October 1, 1992. At the end of that three month period the Coast Guard will reassess the status of Third Harbor Tunnel marine operations and determine whether the need for a safety zone still exists. It is anticipated that there will be a temporary cessation of marine operations for the project from July 10—16, 1992, due to Sail Boston 1992 harbor activities.

Because contractors for this project intend now to continue dredging and blasting operations in the Boston Main Channel after July 1, 1992, the Coast Guard will establish a safety zone in Boston Harbor to support the contractor's change in plans. The wording of the text of this temporary final rule parallels the text of the safety zone as it appears in the Federal Register of April 21, 1992. The Coast Guard believes the port community is well acquainted with the restrictions on vessel traffic that are already in place and is best served by not imposing any additional changes that would confuse the matter.

Publishing an NPRM and delaying the effective date of this rulemaking would be contrary to the public interest since immediate action is needed to prevent injury to the persons and vessels involved.

Background and Purpose

The U.S. Coast Guard is establishing a safety zone to enhance vessel safety during the extensive construction project for the Third Harbor Tunnel being undertaken by the contractors Morrison/Knudsen-Interbeton-White. The tunnel is part of a larger multi-year effort aimed at reducing automobile congestion within the city of Boston. The contractors anticipate finishing construction of the tunnel in mid-1994. The initial stage of construction involves blasting and dredging. The Coast Guard views the blasting portion of the construction as a concern for mariners, while contractors blast bedrock located beneath the subsurface of the channel on a line between the southwest corner of Logan Airport in East Boston and the Subaru Pier in South Boston. The purpose of the blasting is to form a trench across the subsurface of the main ship channel into which prefabricated sections of the tunnel can be placed. The blasting portion of the tunnel construction has not proceeded on schedule due to unforeseen delays. Termination of blasting on July 1, 1992, will cause an undue delay in the overall tunnel construction. It is therefore necessary to implement a safety zone until 12:01 a.m. October 1, 1992, to ensure that the blasting and dredging operations that will occur in Boston Harbor until then are conducted safely.

A typical marine underwater blast will cause a 2–3 foot wave on the surface of the water in the immediate vicinity. No rock will be sprayed into the air due to the blast. Because the vibration shock of underwater blasting can potentially damage the hulls of vessels located too close to the operation, this zone will ensure that vessels transiting in the vicinity of the blasting area will maintain a safe distance to eliminate this risk. The safety zone also ensures that communication is established between the contractors and vessels transiting the waters within the safety zone. With proper communication among all parties, the contractor is assured of having ample time to comply with a request to move his operation temporarily to allow a vessel to navigate through the zone safely.

Description of the Blasting

The blasting operation will be taking place 24 hours a day, 7 days per week. No blasting will take place when there is restricted visibility (the contractor must have ½ mile visibility beyond the safety zone). Before each blast, personnel onboard the barge CGA–100

(100 feet x 52 feet x 12 feet) will drill ten holes (the width of the tunnel) and load the holes with the explosives. After retreating to a safe distance, the contractors will remotely detonate the explosives in the holes and then move ten feet down (across channel) to the next set of holes to be drilled. Operations will begin first on the East Boston side of the zone and move toward the South Boston side.

Description of the Dredging

The dredging operation will be taking place 24 hours per day, 7 days per week. In preparation for blasting operations, contractors will dredge the soft bottom of the subsurface of areas to be blasted until they reach bedrock. Performing the dredging will be the SUPERSCOOP (a clamshell dredge—225 feet × 75 feet), working with four bin barges and two offshore barges into which dredged spoils will be placed. In general, the SUPERSCOOP will be positioned ahead of the CGA–100, also working from East to South Boston. During blasting operations, these vessels too will retreat to a safe distance from the blast. If there is a "high spot" of dredged material on the sea bed resulting from the blast, the SUPERSCOOP will swing around and remove that material immediately after the blast. After most blasting is complete, the SUPERSCOOP will conduct a second pass across the channel to dredge the blasted material.

Obstruction of the Channel

The CGA–100 will be positioned in line with the shipping channel. When in the channel, it will cause an obstruction of 60–65 feet (the width of the barge (52 feet) + 10–15 feet overhang from drills on the edge of the barge). The CGA–100 will be held in place by six anchors, which will extend outward 500 feet in all directions. Each anchor will be marked with a white buoy equipped with radar reflectors and lighted at night with blinking white lights (60 flashes per minute). The navigational hazard associated with the anchoring system can be minimized, however, as the anchor wires can be "dropped" and made to lie on the bottom within 10 minutes after contractor's receipt of a notification of an impending vessel movement. Accordingly, it is essential that mariners passing between the barge and the anchor buoys communicate with the contractors to ensure that the anchor wires are "dropped" in order to minimize this navigational hazard. The dredge SUPERSCOOP will also be positioned parallel to the channel. When in the channel, it will cause an obstruction of about 130 feet (the width of the SUPERSCOOP (75 feet) + (48 feet)—the width of the largest scows receiving dredged material (connected to the dredge by wire cables)). The SUPERSCOOP will be held in place by four anchors extending outward 500 feet in all directions, with the same "drop" capability as the blasting barge. Each anchor will be marked similarly with white buoys equipped with radar reflectors and blinking white lights (60 flashes per minute). Again, communications are essential for mariners passing between the dredge and its anchor buoys to ensure that the anchor wire can be "dropped" by the contractor if necessary. Though the dredge and the barge are being operated by the same contractor, all communications should be initiated with the SUPERSCOOP since that vessel has control over the entire project.

Notification of Blasting

Two hours, one hour, forty-five minutes, thirty minutes, and fifteen minutes prior to blasting, the contractors will broadcast on Channels 9, 13, and 16 VHF–FM their intention to conduct blasting operations. Approximately fifteen minutes before a blast round is to be fired, the signal will be given by the blaster for four clearly audible prolonged (4–6 seconds) horn/whistle signals to indicate that the blast area is being secured. Two work boats will be available for security of the immediate blast area. One boat will be placed approximately 1500 feet west of the blast area. The second boat will be placed 1500 feet east of the blast area. These boats will patrol and warn any vessel traffic of the impending blast. When the area is determined to be secure by the contractor, the blaster will signal with four clearly audible short (approximately one second duration) horn/whistle signals to indicate that the blast is going to be fired in one minute. The blast round will then be fired unless there is a last minute breakdown in the security of the blast area. If a vessel not involved with the blasting operation is within the safety zone at this point, the contractor will not blast. Immediately following the blast, the blaster will inspect the area and determine that it is clear to resume operations. At this point an all clear signal (4–6 second horn/whistle signal) will be given.

This safety zone is necessary to protect vessel traffic operating in Boston Harbor from the hazards associated with the proposed blasting operations and hazards to navigation due to the presence of contractor vessels in proximity to the Boston Main Channel, Boston Inner Harbor. Notice of this safety zone will be published in the Local Notice to Mariners and Safety Marine Information Broadcasts. Entry into this safety zone during blasting operations will be prohibited, unless authorized by the Captain of the Port Boston.

Regulatory Evaluation

This rule is not major under Executive Order 12291 on Federal Regulation and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a Regulatory Evaluation is unnecessary. Costs to the shipping industry from these regulations, if any, will be minor and have no significant adverse financial effect on vessel operators. Deep draft vessel traffic, fishing vessels, and commuter or tour boats may experience slight delays (a few minutes) in departures or arrivals while waiting for the blast to occur; however, mariners can time their transit through the safety zone with contractors to minimize delays by communicating with the contractors using bridge to ridge marine radios.

Small Entities

Under the Regulatory Facility Act (5 U.S.C. 601 *et seq.*) the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as a "small businesses concerns" under section 3 of the Small Business Act (15 U.S.C. 632)." Since this action will cause only slight, intermittent delays in transits by deep draft vessel traffic, fishing vessels, and commuter or tour boats and scheduling of transits and blasting operations can be adjusted as necessary in most cases to accommodate all parties, no significant adverse economic impact should result from this rulemaking. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rulemaking in accordance with the principles and criteria contained in

Executive Order 12612, and has determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded under section 2.B.2.C of Commandant Instruction M16475.1B, this rulemaking is categorically excluded from further environmental documentation. An Environmental Impact Statement on construction of the Third Harbor Tunnel has already been issued by the Federal Highway Administration. In fact, implementation of this rulemaking should help to reduce the risk of collision or other marine accidents. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "**ADDRESSES.**"

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Latest research, reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

In consideration of the foregoing, part 165 of title 33, Code of Federal Regulations is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new § 165.T01–085 is added to read as follows:

§ 165.T01–085 Safety Zone: Boston Main Channel, Boston Inner Harbor, Boston, MA.

(a) *Location.* The following area is a safety zone: All waters of the Boston Inner Harbor within an area described between two lines: One boundary line on the east extending across the Boston Main Channel from the esternmost of the Massport North Jetty dock, South Boston, to the landside point in East Boston abeam Boston Main Channel; Lighted Buoy "12"; and another boundary line on the west extending across the Boston Main Channel from the northwest corner of the Boston Fish Pier, South Boston to Cashman's drydock, East Boston.

(b) *Regulations.* (1) Except with permission of the Captain of the Port, all vessels must:

(i) Remain outside the safety zone (i.e., not operate or anchor within the area between the two boundary lines for the safety zone) once the dredge SUPERSCOOP has given the final warning that a blast will occur (four clearly audible short, one second duration, horn/whistle signals one minute prior to the blast) and remain outside of the zone until the dredge SUPERSCOOP has given the all-clear signal (a horn/whistle signal sounded for a prolonged, 4–6 second interval). Vessels moored at the Massport North Jetty dock in South Boston, Chashman's drydock in East Boston, or the north face of the Boston Fish Pier in South Boston may remain inside the safety zone provided they are securely moored.

(ii) Maintain at all times at least 100 yards distance from the blasting barge CGA–100, the dredge SUPERSCOOP, and all attending scows or tugs mad fast to the SUPERSCOOP or CGA–100.

(iii) Maintain at all times a safe distance from anchors and anchor buoys deployed by the blasting barge CGA–100 and the dredge SUPERSCOOP.

(iv) Communicate with the SUPERSCOOP (the vessel in charge of the contractor's operation) on Channels 9, 13, or 16 VHF–FM to arrange for safe passage when the CGA–100 or SUPERSCOOP (or their anchors) are in the Boston Main Channel; and if requesting barge CGA–100 and dredge SUPERSCOOP to slack anchor lines, provide at least 10 minutes notification of vessel transit to allow the barge and dredge to slack their anchor lines.

(v) Provide the contractor at least 4 hours advanced notice (i.e., Channels 9, 13, or 16 VHF–FM or cellular phone (617–966–1670)) to move/suspend his operations in any case where the transiting vessel operator believes the safe passage of his vessel is jeopardized by the presence/operation of the CGA–100 or SUPERSCOOP.

(2) Except with the permission of the Captain of the Port, vessels involved with the Third Harbor Tunnel blasting and dredging operation must:

(i) CGA–100 and SUPERSCOOP: Mark anchors with white buoys, lighted at night with a white light (60 flashes per minute); and slack anchor lines to the bottom of the channel within 10 minutes after receipt of a request to do so from any vessel operator intending to transit the safety zone.

(ii) All vessels: Move/suspend operations and relocate to a safe position within four hours after receipt of a request to do so from any vessel operator expressing concern about the safety of any impending transit through the safety zone.

(iii) SUPERSCOOOP: Communicate with and arrange safe passage through the safety zone for all vessels not involved in Third Harbor Tunnel blasting/dredging operations.

(iv) SUPERSCOOP: Initiate appropriate broadcast notice and warning signals to local mariners prior to and after conducting blasting operations. Two hours, one hour, forty-five minutes, and thirty minutes prior to blasting, broadcast on Channels 9, 13, and 16 VHF–FM the intention to conduct blasting operations. Approximately fifteen minutes before a blast round is to be detonated, give a signal of four clearly audible prolonged (4–6 seconds) horn/whistle signals to indicate that the blast area is being secured. Determine the blast area to be secured. Signal with four clearly audible short (approximately one second) horn/whistle signals to indicate that the blast is going to be detonated in one minute. Do not blast if a vessel not involved with the blasting operation is within the safety zone with exception of vessels moored as described in paragraph (b)(1) of this section. Immediately following the blast, inspect/survey the blast area to determine whether it is clear to resume operations. Remove any debris that lessens the channel depth. Give all clear signal (4–6 second horn/whistle signal) after area is determined to be clear to resume normal operations.

(v) All vessels: Relocate to a safe distance prior to conducting blasting operations.

(3) The Captain of the Port may, upon request, authorize a deviation from any rules in this section if he determines that the proposed operations can be done safely.

(4) The Captain of the Port may direct the movement of any vessel within the safety zone as appropriate to ensure the safe navigation of vessels throughout the safety zone.

(c) *Effective date.* This regulation becomes effective at 12:02 a.m., July 1, 1992 and terminates at 12:01 a.m., October 1, 1992.

Dated: June 26, 1992.

W.H. Boland, Jr.,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 92–16251 Filed 7–9–92; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 165

[CGD1 92–070]

Safety Zone Regulations: Boys Harbor Fireworks Extravaganza

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a safety zone in Threemile Harbor one mile south of Sammys Beach, East Hampton, NY. This safety zone is needed to protect the maritime community from possible navigation hazards associated with a fireworks display. Entry into this zone is prohibited unless authorized by the Captain of the Port, Long Island Sound.

EFFECTIVE DATES: This regulation becomes effective at 8:45 pm July 18, 1992. It terminates at 10 p.m. on July 18, 1992 unless terminated sooner by the Captain of the Port. The rain date for this event is July 19, 1992 at the same times.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander D.D. Skewes, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468–4464.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are LCDR D.D. Skewes, project officer for Captain of the Port, Long Island Sound, and LCDR J. Astley, project attorney, First Coast Guard District Legal Office.

Regulatory History

As authorized by 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Due to the date the application was received, there was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date. This is a fund-raising event for Boys Harbor Inc., a nonprofit, charitable organization. Therefore, this event is of general benefit and interest to the public. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to respond to any potential hazards.

Background and Purpose

On June 10, 1992 the sponsor, Boys Harbor Inc., New York, NY requested that a 60 minute fireworks display, launched from two floating platforms, be permitted in the port of Threemile Harbor in the vicinity of Threemile Harbor, East Hampton, NY. This zone is required to protect the maritime community from the dangers and potential hazards to navigation, including falling debris and potential fireworks launching mishaps, associated with this fireworks display which is occurring over a navigable waterway. The zone covers all waters of Threemile Harbor within a 1200 foot radius of the barges 24 and 76, which will be located approximately 1 mile south of Sammys Beach.

Regulatory Evaluation

These regulations are not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979).

The event will last approximately 60 minutes. The area affected by this event receives infrequent commercial traffic. Because of the short duration of the event, commercial entities will be able to adjust to any disruptions caused by this event. The Coast Guard expects the economic impact of this proposal to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For the reasons cited under the Regulatory Evaluation section above, the Coast Guard expects the impact of this regulation to be minimal and certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive Order 12612, and has determined that these regulations do not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard has considered the environmental impact of these regulations and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B, they will have no significant impact and they are categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Final Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new § 165.T01–070 is added to read as follows:

§ 165.T01–070 Safety Zone: Boys Harbor Fireworks Extravaganza.

(a) *Location.* The following area has been declared a safety zone: All waters of the Threemile Harbor within a 1200' radius of the barges 24 and 76, the fireworks launching platforms, which will be located approximately 1 mile south of Sammys Beach in approximate position 41° 01' 05"N 072° 11' 55"W.

(b) *Effective date.* This regulation becomes effective at 8:45 pm July 18, 1992. It terminates at 10 p.m. July 18, 1992 unless terminated sooner by the Captain of the Port. The rain dates for this project are July 19, 1992 at the same times.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port or his on scene representative.

Dated: July 7, 1992.

H. Bruce Dickey,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 92–16255 Filed 7–9–92; 8:45 am]

BILLING CODE 4910–14–M

POSTAL SERVICE

39 CFR Part 20

Implementation of International Customized Mail Service

AGENCY: Postal Service.

ACTION: Interim rule with request for comments.

SUMMARY: International Customized Mail (ICM) service is a new type of

international mail service that will be available only pursuant to a service agreement between the Postal Service and a qualifying mailer. The Postal Service will provide ICM service on a cutomer-specific basis, with the particular service features and postage rate applicable to an individual qualifying mailer determined through negotiation between the Postal Service and the mailer. The establishment of ICM service will benefit all users of the Postal Service by increasing the total level of contribution to fixed costs realized by the Postal Service from its international operations. Interim implementing regulations have been developed and are set forth below for comment and suggested revision prior to adoption in final form.

DATES: The interim regulations will take effect on July 10, 1992. Comments must be received on or before August 10, 1992.

ADDRESSES: International Law Counsel, Office of Postal Rates and Mailing Rules, Law Department, U.S. Postal Service, Washington, DC 20260–1140. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in room 6604, 475 L'Enfant Plaza West, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: William T. Alvis, (202) 268–2982, or Michael B. Sundel, (202) 268–2985.

SUPPLEMENTARY INFORMATION: The criteria of the Postal Reorganization Act (Act) that govern the Postal Service's international rate setting authority include 39 U.S.C. 101(d), which requires that rates must apportion the costs of all postal operations to all users of the mail on a fair and equitable basis; 39 U.S.C. 101(a), which provides that rates may not apportion costs in a manner that would impair the overall value of the service to the people; 39 U.S.C. 403(a), which requires that rates be fair and reasonable and 39 U.S.C 403(c), which provides that rates may not be unduly or unreasonably discriminatory or preferential. Implicit in these criteria is a requirement that international rates be set in a manner that covers variable costs and makes an appropriate contribution to fixed costs. Within this statutory framework, the Postal Service historically has endeavored to make every different type of international service universally available. Consequently, when determining the rates for a particular international service, the Postal Service has considered the aggregate costs of providing that service to all mailers, rather than the unique costs associated with providing that service to specific mailer or groupings of mailers.

This approach to ratemaking means that, for any given international service, the Postal Service typically charges the same rate to all customers mailing items of a particular weight, regardless of quantity or availability of alternative services.[1] All of the Postal Service's international rates and service offerings are published in the International Mail Manual (IMM) and, subject to the minimum volume and preparation requirements applicable to certain services, are available to any mailer. Uniform pricing represents a simple method to ensure that the Postal Service's international rates comply with the nondiscrimination provisions of the Act.

This approach made sense as long as the Postal Service faced little or no competition in its international operations and thus had little incentive to determine whether additional distinctions could be justified. As that condition no longer exists, however, uniform pricing for all international services is no longer appropriate. The high degree of aggregation made necessary by uniform pricing means that some customers face published rates disproportionate to the costs that the Postal Service would incur in providing those customers with the services in question, while other customers want or need special services or combinations of services that the Postal Service does not provide.

Exacerbating the problem has been the increasing complexity of the context within which the Postal Service must price its services. Until relatively recently, the most significant components of the costs incurred by the Postal Service in connection with its international operations, namely transportation expenses and the charges imposed by foreign postal administrations to deliver U.S.-origin mail (terminal dues), were based exclusively on weight. Although transportation expenses are still a function of weight, the postal administrations of countries to which much U.S. mail is sent have implemented terminal dues arrangements that recognize that mail processing costs vary by volume as well as by weight.[2] Moreover, the Postal Service currently is charged terminal dues by foreign postal administrations using four different methods of calculation. Consequently, the Postal Service incurs substantially different costs for delivering mail to different countries. Due to uniform pricing, however, the Postal Service's rates do no reflect country-specific costs to the extent possible. Similarly, uniform rates do not generally take into account differences in how mail is prepared or where it is tendered, both of which can significantly affect costs.

The other catalyst for a more flexible approach to ratemaking is the development of private sector alternatives for the Postal Service's international services. Over the past two decades, the international hard copy communications and parcel marketplace has become increasingly competitive, with competition for bulk and expedited services used by businesses especially vigorous. Customers, in general, and business customers, in particular, are aware of the range of alternative offerings available and will switch service providers to obtain price savings and desired features. The Postal Service's competitors have responded by implementing flexible rate structures and customer-specific service offerings.

This flexibility enables the Postal Service's competitors to tailor service features to individual customers and to price those features on a partially or completely disaggregated basis. In contrast, traditional Postal Service pricing policies and practices, whereby the Postal Service generally treats all current and potential customers identically and uses averaged costs when setting rates, are not designed to deal with a competitive environment. The expanded alternatives available to customers and the improved attractiveness of those alternatives have made it increasingly difficult for the Postal Service to sell its services to a varied group of customers using a single published schedule of rates. To the extent that uniform pricing prevents the Postal Service from attracting new customers and from keeping existing customers, all of the Postal Service's other users suffer by having to pay more for their postal services.

[1] To the extent that the Postal Service has departed from completely uniform pricing by charging different rates for different groups of destination countries, the separate rate groups have been based on commonality of transportation costs and/or of terminal dues systems. In setting rates for those race groups, which generally consist of countries in the same geographic region (e.g., Europe, South America), the Postal Service necessarily establishes a single rate for all countries in a particular rate group. As a result, the rates do not incorporate country-specific cost differentials.

[2] For instance, the terminal dues system adopted by the 20th Congress of the Universal Postal Union (UPU) takes into account the number of pieces per pound in setting compensation levels. The terminal dues system used by a number of European countries in lieu of the UPU method is predicated on an explicit per-piece plus per-round rate.

In order to improve its ability to compete effectively against other providers of international hard copy communications and parcel delivery services, the Postal Service is adopting a new regulation, IMM 290. This regulation authorizes the Postal Service to negotiate and to enter into flexible rate and service agreements with "qualifying mailers," as defined therein, subject to certain conditions as discussed below. IMM 290 is designed to provide the Postal Service with the ability to provide customer-specific service offerings at rates that accurately reflect the Postal Service's costs of delivering the customer-specific mail volumes, while ensuring that those rates comply with all of the statutory requirements that apply to international postal rates.

IMM 290 establishes a new type of international mail service, International Customized Mail (ICM), which is available only pursuant to a service agreement between the Postal Service and a qualifying mailer. An ICM mailing may include items from any or all of the three classes of international mail described in IMM 140: Postal Union Mail, Parcel Post, and Express Mail International Service. With the exception of the size and weight limits and the format specifications that pertain to all international mail of a particular class, there are no requirements generally applicable to ICM mail. Rather, such matters as postage and method of payment, preparation requirements, makeup requirements, tender and delivery schedules, and any other obligations of either party will be set forth in the service agreement.

The Postal Service recognizes that, for three reasons, making ICM service available to all existing and potential customers regardless of size or mailing patterns is not feasible. First, increased volumes amplify the beneficial effects of flexible pricing. The additional contribution to fixed costs realized from the Postal Service's entering into an ICM service agreement with a large business customer that had been using another provider would dwarf the additional contribution realized from any number of new household or small business customers. Similarly, there would be no discernible effect on other users of the Postal Service if an individual household or small business customer stopped sending international mail through the Postal Service. In contrast, the contribution lost from the defection of a large business customer to another service provider could be significant enough to accelerate the need for a general rate increase.

Second, volume of use determines the cost-effectiveness of flexible pricing as a means of increasing net contribution. In general, the unit costs incurred by the Postal Service to administer this program are inversely proportional to the size of the mailing. Indeed, for all but the largest volume customers, those costs in many instances could be greater than any additional contribution.

Third, how and where the customer tenders its mail affects the Postal Service's ability accurately to determine costs on an individualized, rather than aggregated, basis. The Postal Service's existing costing systems were designed to support uniform pricing for international services. Those systems are not intended to generate data that are disaggregate to the extent required for ICM service. Specifically, mail handling and processing costs generally are aggregated across different postal facilities. Although the Postal Service is capable of calculating with a high degree of precision the costs incurred in delivering items deposited at or picked up from a single point, the way in which cost information is collected makes it difficult to determine accurately the costs associated with mail deposited at or picked up from multiple locations.

In order to maximize the beneficial effects of flexible pricing, the Postal Service will offer ICM service only to a customer satisfying both the minimum volume and mail origin qualifying criteria set forth in IMM 290. First, the customer must be capable, on an annualized basis, of either (1) tendering at least one million pounds of international mail to the Postal Service, or (2) paying at least two million dollars in international postage to the Postal Service.[3] Second, the customer must be capable of tendering all of the mail covered by the service agreement to the Postal Service from a single location.[4]

Both the Postal Service's existing customers and customers of other service providers can qualify for ICM service. Even after satisfying the above criteria, however, a qualifying mailer must enter into an ICM service agreement with the Postal Service to receive the service.

In negotiating the rates to charge a particular qualifying mailer, the Postal Service will take into account both the costs incurred in providing the customer with the service features specified in the service agreement and the rates available to the customer from the Postal Service's competitors. The Postal Service anticipates that ICM rates will depend on, among other factors, the volume and characteristics of the mail to be tendered by the customer, the destination country or countries, the amount and type of worksharing to be performed by the customer, the level of service to be provided by the Postal Service, and the service agreement's duration. In no case, however, will the Postal Service enter into an ICM service agreement unless it reasonably believes at the time that the rates will generate revenues greater than costs.

Offering ICM service will enable the Postal Service to tailor services and combinations of services to specific customers and to price those services on a partially or completely disaggregated basis. The Postal Service recognizes, however, that all of its rates, whether published or not, must comply with the nondiscrimination provisions of the Postal Reorganization Act. With regard to ICM rates, these requirements mean that the Postal Service must make every ICM service agreement available to similarly situated customers under substantially similar circumstances and conditions. The Postal Service will accomplish this by making public the following information about each executed ICM service agreement: (1) The term of the agreement, including any renewal option; (2) the type of mail involved; (3) the destination country or countries; (4) a brief description of each of the services to be provided by the Postal Service; (5) minimum volume commitments for each service; (6) a brief description of any worksharing to be performed by the mailer and (7) the agreed-upon rate for each service at the volume level committed to by the mailer.

Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments, and the Postal Service is exempted by 39 U.S.C. 410(a) from the advance notice requirements of the Administrative Procedure Act regarding rulemaking (5 U.S.C. 553), the Postal Service invites

[3] This criterion does not mean that the mailer will be required to enter into a service agreement with the Postal Service covering one million pounds or two million dollars. Rather, the mailer must send enough international mail through the Postal Service and/or other service providers that, if it elected to give all of its business to the Postal Service, the business would annually total at least one million pounds or be worth at least two million dollars.

[4] This criterion does not mean that every service agreement necessarily will require the mailer to tender its mail from a single location. Rather, mailers seeking to qualify must simply be capable of doing so. Whether the Postal Service includes this requirement as a condition in a particular service agreement will depend on the circumstances surrounding the mailer in question. There may very well be cases in which a mailer's use of multiple origins would not diminish the Postal Service's ability accurately to determine costs, but would provide the Postal Service and/or the mailer with significant operational benefits.

interested persons to submit written data, views, or arguments concerning the interim rule.

The Postal Service adopts the following amendments to the International Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

List of Subjects in 39 CFR Part 20

International postal service, Foreign relations.

PART 20—[AMENDED]

1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. Chapter 2 of the International Mail Manual is amended by adding new section 290 to read as follows:

CHAPTER 2—CONDITIONS FOR MAILING

* * * * *

290 International Customized Mail

290.1 Description

International Customized Mail (ICM) service is an international business mail service that is available only pursuant to an ICM service agreement between the Postal Service and a mailer meeting the requirements in 290.2. The Postal Service provides ICM service, on a mailer-specific basis, pursuant to the terms and conditions stipulated in a particular ICM service agreement.

290.2 Qualifying Mailers

To qualify for ICM service, a mailer must be capable, on an annualized basis, of either (1) tendering at least one million pounds of international mail to the Postal Service, or (2) paying at least two million dollars in international postage to the Postal Service. The mailer must also be capable of tendering all of its ICM mail to the Postal Service from a single location.

290.3 ICM Service Agreement

290.31 Provisions in All ICM Service Agreements. Each ICM service agreement must set forth the following:

a. The term of the agreement, including any renewal options.

b. The type of mail to be tendered by the mailer.

c. The destination country or countries.

d. The services to be provided by the Postal Service, including any speed-of-delivery targets.

e. Minimum volume commitments for each service.

f. Postage and method of payment.

g. Weight and size limits.

h. Preparation requirements.

i. Makeup requirements.

j. Any other obligations of either party.

290.32 Origin

The ICM service agreement must stipulate the location from which the mailer is required to tender its items to the Postal Service.

290.4 Postal Bulletin Notifications. Within 30 days of entering into an ICM service agreement, the Postal Service must publish the following information about the agreement in the Postal Bulletin:

a. The term of the agreement, including any renewal option.

b. The type of mail involved.

c. The destination country or countries.

d. A brief description of each of the services to be provided by the Postal Service.

e. Minimum volume commitments for each service.

f. A brief description of any worksharing to be performed by the mailer.

g. The agreed-upon rate of each service at the volume level committed by the mailer.

A transmittal letter making the changes in the pages of the International Mail Manual will be published and transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided by 39 CFR 20.3.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc. 92-16274 Filed 7-9-92; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-4035-3]

Standards of Performance for New Stationary Sources; Appendix A—Reference Methods; Amendments to Method 24 for the Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule modifies Method 24 to incorporate procedures for the determination of volatile matter content, density, volume solids, and water content for multicomponent surface coatings. This action is necessary because Method 24 refers to the American Society for Testing and Materials (ASTM) Method, D 2369–81, for determination of volatile content of coatings that was originally incorporated by reference (48 FR 373 (1983)). The ASTM specifically excluded multicomponent coatings in its applicability statement, but it was not EPA's intent to exclude these coatings. This inconsistency resulted when Method 24 was published in 1980 with its reference to the ASTM Method D 2369–81 before the final version of the ASTM method was published. The EPA believed this ASTM method would apply to all surface coatings. However, in its final form, Method D 2369–81 contained a statement exempting multicomponent coatings. New Source Performance Standards, which refer to Method 24, regulate all surface coatings which include multicomponent coatings. By adding minor technical procedures to Method 24, ASTM D 2369 can be used to determine the volatile matter content of multicomponent coatings.

DATES: *Effective Date.* July 10, 1992.

Judicial Review: Under section 307(b)(1) of the Clean Air Act, judicial review of the actions taken by this notice is available only by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Incorporation by Reference: The incorporation by reference of certain publications in these standards is approved by the Director of the Federal Register as of July 10, 1992.

Docket: A Docket, number A–91–49, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:30 a.m. and Noon and 1:30 and 3:30 p.m., Monday through Friday, at EPA's Air Docket Section (LE–131), Waterside Mall, room M1500, 1st Floor, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Lori T. Lay or Gary McAlister, Emission Measurement Branch (MD–19), Technical Support Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541–4825.

SUPPLEMENTARY INFORMATION:

I. Summary

Method 24 is being corrected to make it applicable to multicomponent coatings by incorporating the following changes:

A. The coating components be mixed in a container according to the manufacturer's recommendations. Aliquots are immediately removed for analysis.

B. Aliquots for determination of volatile matter content are allowed to stand for 1 to 24 hrs before the sample is oven dried.

II. The Rulemaking

This rulemaking does not impose emission measurement requirements beyond those specified in the current regulations (New Source Performance Standards or State implementation plans), nor does it change any emission standard. Rather, the rulemaking would simply amend an existing test method associated with emission measurement requirements in the current regulations that would apply irrespective of this rulemaking.

The Agency views this method correction as being of a minor technical nature and notes that it was developed in consultation with the regulated community. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b) for a determination that the issuance of a notice of proposed rulemaking is unnecessary. This action will take effect on August 10, 1992, unless adverse or critical comments are received by that date. If such comments are received, the portion of this action objected to will be withdrawn through the publication of a **Federal Register** notice. If any portion of this action is withdrawn, it will be included in a notice of proposed rulemaking and a comment period will be established. If no such comments are received, the public is advised that this action will be effective as of August 10, 1992.

III. Agency Efforts To Obtain Input From Inside and Outside the Government

The EPA solicited input from members of an interagency informal work group and ASTM who were involved with the drafting of the original regulation. The EPA distributed a summary of the proposed changes to Method 24 to the members of the informal review committee that was involved in the development of this regulation. The EPA received four responses: most of which contained multiple comments. The changes resulting from the comments are summarized in this preamble.

A. Users have been given the option of mixing the coating on a weight basis as well as a volume basis. One respondent believed that, although volume ratios rather than weight ratios are commonly given in the directions for mixing multicomponent paints, each component must be weighed to determine the correct proportion for mixing. Since liquid components expand at high temperatures, incorrect measurement of component volumes may result. Therefore, if each component is weighed and the density of each component determined, the correct volume can be calculated. The Agency agrees with this point and has amended the procedure accordingly.

B. A procedure for measuring "exempt" solvents has been included. One respondent suggested that procedures be included for the determination of exempt solvents. The Agency amended the procedure to include ASTM Method D4457–85 for the determination of dichloromethane and 1,1,1-trichloroethane in paints by direct injection into a gas chromatograph. Also, an equation was added to the procedure for calculating the weight content of nonexempt volatile matter for coatings containing exempt solvents.

C. Requirements for the determining the final weight of oven dried samples were simplified. Two respondents noted that allowing the aluminum pans to cool to room temperature in a desiccator and then weighing them is an adequate procedure. No more precision is gained by weighing to a constant weight for 6 hours. The Agency agrees and has deleted the 6-hour constant weight requirement.

IV. Administrative Requirements

A. Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to identify and locate documents readily so that they may effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated test method revisions and EPA responses to significant comments, the contents of the docket, except for interagency review materials, will serve as the record in case of judicial review (section 307(d)(7)(A)).

B. Executive Order 12291

Under Executive Order 12291, EPA is required to judge whether a regulation is a "major rule" and, therefore, subject to the requirements of a regulatory impact analysis. This rulemaking does not impose emission measurement requirements beyond those specified in the current regulations, nor does it change any emission standard. The Agency has determined that this regulation would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding the regulation to be a "major rule." The Agency has, therefore, concluded that this regulation is not a "major rule" under Executive Order 12291.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The RFA specifically requires the completion of an analysis in those instances where small business impacts are possible. This rulemaking does not impose emission measurement requirements beyond those specified in the current regulations, nor does it change any emission standard. Because this rulemaking imposes no adverse economic impacts, an analysis has not been conducted.

Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that the promulgated rule will not have an impact on small entities because no additional costs will be incurred.

D. Paperwork Reduction Act

This rule does not change any information collection requirements subject to Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 60

Air pollution control, Intergovernmental relations, Incorporation by reference, Surface coating of metal furniture, Automotive and light duty truck surface coating operations, Pressure sensitive tape and label surface coating, Industrial surface coating: Large appliances, Metal coil surface coating, Beverage can surface coating industry, Flexible vinyl and urethane coating and printing, Plastic parts for business machine coatings industry, and Reporting and recordkeeping requirements. No industries other than those already referencing the current method, will be affected.

Dated: June 29, 1992.

William K. Reilly,

Administrator.

40 CFR Part 60 is amended as follows:

PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7414, 7416, and 7601.

2. In § 60.17 of subpart A, by amending paragraph (a)(31) by removing the words ", par. 2.2." and adding a period, and by adding paragraph (a)(62) to read as follows:

§ 60.17 Incorporation by reference.

* * * * *

(a) * * *

(62) ASTM D4457–85 Test Method for Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph, IBR approved for appendix A, Method 24.

* * * * *

Appendix A [Amended]

3. In Method 24 of appendix A, the heading is revised; sections 3.1, 3.2, 3.3, and 3.4 are redesignated as sections 3.2, 3.3, 3.4, and 3.5, respectively; section 5.2 is revised; and new sections 2.5, 3.1, 3.6, 3.7, 3.7.1, 3.7.2, 3.7.2.1, 3.7.2.2, 3.7.2.3, 3.7.2.4 and 5.1.3 are added, to read as follows:

Method 24—Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings

* * * * *

2.5 ASTM D4457–85 Standard Test Method for Determination of Dichloromethane and 1,1,1–Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph (incorporated by reference—see § 60.17).

* * * * *

3.1 Multicomponent Coatings. Multicomponent coatings are coatings that are packaged in two or more parts, which are combined before application. Upon combination a coreactant from one part of the coating chemically reacts, at ambient conditions, with a coreactant from another part of the coating. To determine the total volatile content, water content, and density of multicomponent coatings, follow the procedures in section 3.7. For all other coatings analyze as follows:

* * * * *

3.6 Exempt Solvent Content. Determine the weight fraction of exempt solvents (W_E) by using ASTM Method D4457–85 (incorporated by reference—see § 60.17). Run a duplicate set of determinations and record the arithmetic average (W_E)

Note: Exempt solvents are defined as those solvents listed in 57 FR 3941, February 3, 1992. Dichloromethane and 1,1,1-trichloroethane are listed exempt solvents and may be used in coatings.

3.7 To determine the total volatile content, water content, and density of multicomponent coatings, use the following procedures:

3.7.1 Prepare about 100 ml of sample by mixing the components in a storage container, such as a glass jar with a screw top or a metal can with a cap. The storage container should be just large enough to hold the mixture. Combine the components (by weight or volume) in the ratio recommended by the manufacturer. Tightly close the container between additions and during mixing to prevent loss of volatile materials. However, most manufacturers mixing instructions are by volume. Because of possible error caused by expansion of the liquid when measuring the volume, it is recommended that the components be combined by weight. When weight is used to combine the components and the manufacturer's recommended ratio is by volume, the density must be determined by section 3.4.

3.7.2 Immediately after mixing, take aliquots from this 100 ml sample for determination of the total volatile content, water content, and density. To determine water content, follow section 3.3. To determine density, follow section 3.4. To determine total volatile content, use the apparatus and reagents described in ASTM D2369–81, sections 3 and 4, respectively (incorporated by reference, and see § 60.17) the following procedures:

3.7.2.1 Weigh and record the weight of an aluminum foil weighing dish. Add 31±1 of suitable solvent as specified in ASTM D2369–81 to the weighing dish. Using a syringe as specified in ASTM D2369–81, weigh to 1 mg, by difference, a sample of coating into the weighing dish. For coatings believed to have a volatile content less than 40 weight percent, a suitable size is 0.3±0.10 g, but for coatings believed to have a volatile content greater than 40 weight percent, a suitable size is 0.5±0.10 g.

Note: If the volatile content determined pursuant to section 5 is not in the range corresponding to the sample size chosen repeat the test with the appropriate sample size. Add the specimen dropwise, shaking (swirling) the dish to disperse the specimen completely in the solvent. If the material forms a lump that cannot be dispersed, discard the specimen and prepare a new one. Similarly, prepare a duplicate. The sample shall stand for a minimum of 1 hour, but no more than 24 hours prior to being oven dried at 110°C±5°C. for 1 hour.

3.7.2.2 Heat the aluminum foil dishes containing the dispersed specimens in the forced draft oven for 60 min at 110±5°C. Caution—provide adequate ventilation, consistent with accepted laboratory practice, to prevent solvent vapors from accumulating to a dangerous level.

3.7.2.3 Remove the dishes from the oven, place immediately in a desiccator, cool to ambient temperature, and weigh to within 1 mg.

3.7.2.4 Run analyses in pairs (duplicate sets) for each coating mixture until the criterion in section 4.3 is met. Calculate W_v following Equation 24–1 and record the arithmetic average.

* * * * *

5.1.3 Coatings Containing Exempt Solvents.

$$W_o = W_v - W_E - W_w \qquad \text{Eq. 24–4}$$

where:

W_E = weight fraction of exempt solvents, g/g.

5.2 Weight Fraction Solids.

$$W_s = 1 - W_v \qquad \text{Eq. 25–4}$$

where:

W_s = weight fraction of solids, g/g.

* * * * *

[FR Doc. 92–15966 Filed 7–9–92; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Parts 86, 124, and 164

[FRL–4151–3]

Changes to Title 40 of the Code of Federal Regulations To Reflect the Role of the New Environmental Appeals Board in Agency Adjudications; Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; corrections.

SUMMARY: This document contains corrections to the final regulations that were published Thursday, February 13, 1992, at 57 FR 5320. The regulations relate to the role of the Environmental Appeals Board in Agency adjudications.

EFFECTIVE DATE: July 10, 1992.

FOR FURTHER INFORMATION CONTACT: James W. Black, Administrator's Office (A–101), 401 M Street SW., Washington, DC 20460, (202) 260–4076.

SUPPLEMENTARY INFORMATION: As published, the regulations contain minor typographical errors that might cause confusion and therefore need to be corrected.

List of Subjects

40 CFR Part 86

Administrative practice and procedure, Confidential business information, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

40 CFR Part 124

Administrative practice and procedure, Air pollution control, Hazardous waste, Indians—lands, Reporting and recordkeeping requirements, Water pollution control, Water supply.

40 CFR Part 164

Administrative practice and procedure, Pesticides and pests.

Edward E. Reich,

Environmental Appeals Judge.

Accordingly, the publication on February 13, 1992 is corrected as follows:

Correction of Publication

§ 86.1015 [Corrected]

Paragraph 1. On page 5333, in the first column, amendment 5, in the amendatory language and in the section heading marked "§ 86.1015–84 Treatment of confidential information" the section number is corrected to read "§ 86.1015."

§ 124.78 [Corrected]

Paragraph 2. On page 5336, in the first column, amendment 7, in the section heading "§ 124.75 Ex parte communications" the numeral "5" in the section number is corrected to read "8".

§ 164.2 [Corrected]

Paragraph 3. On page 5342, in the first column, the amendatory language for amendment 2 is corrected to read as follows:

2. Section 164.2 is amended by revising paragraph (c), redesignating paragraphs (g) through (r) as paragraphs (h) through (s) and by adding a new paragraph (g) to read as follows:

[FR Doc. 92–15860 Filed 7–9–92; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 261

[EPA/OSW–FRL–4151–2]

RIN 2050–AA78

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Toxicity Characteristic; Corrections

AGENCY: Environmental Protection Agency, (EPA).

ACTION: Final rule; corrections.

SUMMARY: On March 29, 1990, the Environmental Protection Agency (EPA) promulgated a rule (55 FR 11798) to revise the existing toxicity characteristics (TC) used to identify certain wastes defined as hazardous; these wastes are regulated under subtitle C of the Resource Conservation and Recovery Act (RCRA) due to their potential to leach significant concentrations of specific toxic constituents. In the preamble, the exclusion from subtitle C regulation for arsenical-treated wood and wood products was revised inappropriately. This rule corrects that revision. Today's rule also deletes two additional references in the Code of Federal Regulations (CFR) to the Extraction Procedure (EP) Toxicity Characteristic and replaces them with references to the TC.

EFFECTIVE DATE: The revision is effective July 10, 1992.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact the RCRA/Superfund Hotline at (800) 424–9346 (toll free) or (202) 260–3000 in the Washington, DC metropolitan area. For information on specific aspects of this notice, contact Dave Topping, Waste Identification Branch, Office of Solid Waste (OS–332), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260–7737.

SUPPLEMENTARY INFORMATION:

A. Background

On March 29, 1990 (55 FR 11798), EPA promulgated a rule to revise the existing toxicity characteristics used to identify certain wastes defined as hazardous; these waste are regulated under subtitle C of RCRA. This rule broadened the scope of the hazardous waste regulatory program and fulfilled specific statutory mandates under the Hazardous and Solid Waste Amendments of 1984. The existing Extraction Procedure was replaced by the Toxicity Characteristic Leaching Procedure (TCLP), and additional constituents were added to the list that could cause a waste to be hazardous under the toxicity characteristic. Technical corrections to this rule were published on June 29, 1990 (55 FR 26986), August 2, 1990 (55 FR 31387), and September 27, 1990 (55 FR 39409).

B. Arsenical-Treated Wood

Today's rule corrects an error made at the time of promulgation of the final Toxicity Characteristic (TC) rule. The 1990 rule amended the preexisting exclusion from the characteristic of EP Toxicity to arsenical-treated wood and wood products. Previously, 40 CFR 261.4(b)(9) excluded from the definition of hazardous waste those discarded arsenical-treated wood or wood products that failed the test for EP toxicity characteristic (EPTC) and were not hazardous for any other reason, if the waste was generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.

When the TC was promulgated, EPA revised that provision to reflect the new characteristics. However, the Agency unintentionally narrowed the scope of the exclusion by rewording the provision so that only arsenical-treated wood and wood products that failed the TC "solely for arsenic" would be excluded. Therefore, arsenical-treated wood and wood products that failed the TC for other EP constituents (e.g., chromium) would not become regulated as hazardous waste. However, EPA had not intended to change the scope of the arsenical-treated wood exclusion. As noted in the preamble (55 FR 11805), EPA had intended only to replace references to the EPTC with the TC. Today's rule, therefore, corrects the arsenical-treated wood and wood products exclusion by excluding these materials from RCRA subtitle C if they exhibit the TC for any of the EP constituents but are not hazardous for any other reason and are used for their intended purpose.

C. Other Technical Corrections

Today's rule also corrects the regulatory language in 40 CFR 261.4(b)(6)(ii) and 265.301(d)(1) by deleting references to the Extraction Procedure (EP) Toxicity Characteristic and by correctly referencing the TC. 40 CFR 261.4(b)(6)(ii) contains the list of specific chromium bearing wastes that are not hazardous wastes if they do not exhibit the TC or other characteristics of hazardous waste. Also, the technical correction in 40 CFR 265.301(d)(1) applies to the double liner design requirements for landfills at interim status facilities. This correction makes the requirements identical to those for permitted facilities, as found in 40 CFR 264.301(e)(1).

D. Rulemaking Procedures

Because the revisions in this notice correct inadvertent errors or omissions from the 1990 TC rule and are not substantive changes in the scope or content of the affected provisions, public notice and comment on these revisions is necessary. *See* 5 U.S.C. 553(b)(3)(B). For the same reasons, an immediate effective date is appropriate. 5 U.S.C. 553(d).

Richard J. Guimond,

Deputy Assistant Administrator, Solid Waste and Emergency Response.

For the reasons set out in the preamble, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6922, and 6938.

2. Section 261.4 is amended by revising paragraph (b)(6)(ii) introductory text to read as follows:

§ 261.4 Exclusions.

* * * * *

(b) * * *

(6) * * *

(ii) Specific waste which meet the standard in paragraphs (b)(6)(i) (A), (B), and (C) (so long as they do not fail the test for the toxicity characteristic for any other constituent, and do not exhibit any other characteristic) are: * * *

3. Section 261.4 is amended further by revising paragraph (b)(9) to read as follows:

§ 261.4 Exclusions

* * * * *

(b) * * *

(9) Solid waste which consists of discarded arsenical-treated wood or wood products which fails the test for the Toxicity Characteristic for Hazardous Waste Codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood product for these materials' intended end use.

* * * * *

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

4. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

5. Section 265.301 is amended by revising paragraph (d)(1) to read as follows:

§ 265.301 Design requirements.

* * * * *

(d) * * *

(1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such waste does not contain constituents which would render the wastes hazardous for reasons other than the Toxicity Characteristic in § 261.4 of this chapter, with EPA Hazardous Waste Number D004 through D017; and

* * * * *

[FR Doc. 92-15967 Filed 7-9-92; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Parts 302 and 303

RIN 0970-AA63

Child Support Enforcement Program: Immediate Income Withholding; Review and Adjustment of Child Support Orders; Notice of Assigned Support Collected

AGENCY: Office of Child Support Enforcement (OCSE), HHS.

ACTION: Final rule.

SUMMARY: This final rule implements three provisions of the Family Support Act of 1988 (Pub. L. 100-485). Section 101 of this Act requires immediate wage withholding, with certain exceptions, in the case of support orders issued or modified on or after November 1, 1990, and being enforced under the IV-D State plan. Immediate wage withholding begins January 1, 1994, for orders issued on or after that date, if the case is not being enforced by the IV-D program. Section 103(c) of this Act requires periodic review of support orders and adjustment, as appropriate, in accordance with State guidelines for support award amounts, effective October 13, 1990. Section 103(c) also establishes more specific review and adjustment requirements effective October 13, 1993; those requirements will be addressed in a separate rulemaking. Section 104 of this Act requires monthly notices of collections to individuals who have assigned their rights to support to the State. Monthly notices are required beginning January 1, 1993, unless the State obtains a waiver in order to send quarterly notices.

DATES: *Effective date:* This rule is effective July 10, 1992.

Compliance dates: The various compliance dates of the statutory requirements are:

November 1, 1990—Immediate Income Withholding (§ § 302.70 and 303.100)

October 13, 1990—Review and Adjustment of Orders (§ § 302.70, 303.4, and 303.8)

October 13, 1993—Review and Adjustment of Orders

January 1, 1993—Notice of Assigned Support Collected (§ 302.54)

January 1, 1994—Immediate Income Withholding, all orders.

FOR FURTHER INFORMATION CONTACT: Policy Branch, OCSE, specifically:

Marilyn Cohen (202) 401-5366 regarding review and adjustment of child support orders;

Lourdes Henry (202) 401-5440 regarding monthly notice of support collected;

Craig Hathaway (202) 401-5367 regarding immediate wage withholding.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Public reporting burden for the collection of information requirements in this final regulation, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information, is estimated as follows:

Requirement	Average time per response
§ 302.54(b) (1) and (2): notices	30 seconds.
§ 302.54(c): waiver	1 hour, one time.
§ 302.70(a)(10): procedures	8 hours, one time.
§ 303.8(b)(1): plan	8 hours, one time.
§ 303.100(b)(3): agreement	1 minute.
§ 303.100(f)(1)(ii): payment	30 seconds.

These information collection requirements were approved under OMB control number 0970-0110.

Statutory Authority

This regulation is published under the authority of the following provisions of the Social Security Act (the Act), as amended by Public Law 100-485: sections 466 (a)(8) and (b)(3) with respect to immediate income withholding; section 466(a)(10) with respect to periodic review of individual support award amounts; and section 454(5)(A) covering timing of notice of support collections. This regulation is also published under the general authority of section 1102 of the Act, which requires the Secretary to publish regulations that may be necessary for the efficient administration of the functions for which he is responsible under the Act.

Background and Description of Regulatory Provisions

1. Notice of Assigned Support Collected

Former 45 CFR 302.54 required States, at least annually, to provide notice of the amount of support payments collected during the past year to individuals who have assigned rights to support under 45 CFR 232.11. The notice must list separately payments collected from each absent parent when more than one absent parent owes support to the family and indicate the amount of

support collected which was paid to the family. This regulation implemented section 454(5) of the Act as amended by the Child Support Enforcement Amendments of 1984.

Section 104 of the Family Support Act of 1988 amended section 454(5)(A) of the Act to require States to send a monthly notice of support payments to individuals who have assigned support rights to the State. A State may provide quarterly notices if the Secretary determines that a monthly notice would impose an unreasonable administrative burden on the State.

To implement these statutory changes, we redesignated the current §§ 302.54 (a) and (b) as new paragraphs (a) (1) and (2) which remain in effect until December 31, 1992.

Effective January 1, 1993, § 302.54(b) requires that the State have in effect procedures for issuing monthly notices.

Under § 302.54(b)(1), the IV–D agency is required to provide a monthly notice of the amount of support payments collected for each month to individuals who have assigned rights to support under § 232.11, unless no collection is made in the month, and the assignment is no longer in effect, or the conditions for issuance of a quarterly notice set forth in paragraph (c) are met. If, in a former AFDC case which continues to receive IV–D services, a State is collecting support for a previous period for which the assignment remains in effect in accordance with § 302.51(f), the State must send a monthly notice to the family.

Section 302.54(b)(2) requires the monthly notice to list separately payments collected from each absent parent when more than one absent parent owes support to the family and indicate the amount of current support and arrearages collected and the amount of support collected which was paid to the family. If no support collection is made during a month, the State is not required to provide a notice to the family. A State may, at its option, provide a monthly notice when no support collections are received.

Under § 302.54(c), a waiver may be granted allowing the State to provide quarterly, rather than monthly, notices if the State does not have an automated system that performs child support enforcement program activities, or has an automated system that is unable to generate monthly notices. Effective October 1, 1995, States are required to have in effect automated systems that perform child support enforcement activities. Upon the request of a State, the Office may grant a waiver to permit a State to provide quarterly, rather than monthly, notices, if the State: (1) Until September 30, 1995, does not have an automated system that performs child support enforcement activities consistent with § 302.85 or has an automated system that is unable to generate monthly notices; or (2) uses an automated voice response system which provides the information required under paragraph (b)(2).

Under paragraph (c)(2), a quarterly notice must be provided in accordance with conditions set forth in paragraph (b)(1) and must contain the information set forth in paragraph (b)(2).

2. Review and Adjustment of Child Support Orders

Beginning with the enactment of the Child Support Enforcement Amendments of 1984 (Pub. L. 98–378), each State had to establish guidelines for child support award amounts in the State, as a condition for State IV–D plan approval. These guidelines were not binding, but had to be made available to all judges and other officials with authority to determine award amounts.

Under section 103 of Public Law 100–485, Congress required that States use the guidelines as a rebuttable presumption that the amount of the award computed according to the guidelines is the correct amount of child support to be awarded. A written or specific finding on the record that the application of the guidelines would be unjust or inappropriate in a particular case, as determined by State criteria, is sufficient to rebut the presumption in that case. To ensure further that the use of the guidelines will result in appropriate support award amounts, section 103 requires that the guidelines be reviewed at least once every four years. Final regulations governing these aspects of section 103 were published on May 15, 1991 (56 FR 22335).

Use of guidelines does not ensure that orders, over time, continue to meet the support standards set by the guidelines. To address this problem, section 103 of Public Law 100–485 phases in a requirement for the periodic review and adjustment of support orders, in accordance with the support guidelines in the State. Under section 103, the Social Security Act (the Act) is amended by adding a new section 466(a)(10) of the Act. Section 466(a)(10)(A), effective October 13, 1990, requires States to have procedures for review and adjustment of orders in IV–D cases, consistent with a State plan indicating how and when review and adjustment would occur. Review may take place at the request of either parent subject to the order or may be initiated by the State itself. An adjustment to the award is required, as appropriate, if the award amount is found not to be in accordance with the State's guidelines, which must be used as a rebuttable presumption in establishing or adjusting support obligations in the State.

The new section 466(a)(10)(B), effective October 13, 1993 (or earlier at State option), requires the State to have implemented a process whereby orders enforced under title IV–D will be reviewed within 36 months after establishment of the order or the most recent review of the order and adjusted in accordance with the State's guidelines for support award amounts.

The new section 466(a)(10)(C) requires States to have procedures for notifying each parent subject to an order in effect in the State, that is being enforced under the State plan, of their rights concerning reviews and proposed adjustments. Each parent must be notified: of the right to request the State to review the order; of any review, at least 30 days before it commences; and of a proposed adjustment or of a determination that there should be no change in the award amount. In the latter case, the parent must have at least 30 days after notification to initiate proceedings to challenge the proposed adjustment or determination.

Proposed regulations governing review and adjustment requirements of section 103 were published on August 15, 1990 (55 FR 33414). We received many comments in response to the proposed rule which urged that we delay publication of final regulations governing review and adjustment requirements until demonstration projects underway in a number of States were completed. These projects, mandated by section 103(e) of Public Law 100–485, are developing, testing and evaluating model procedures for reviewing child support award amounts in Delaware, Colorado, Illinois and Florida. The results of the demonstration projects are required to be reported to Congress by March 31, 1993. A similar project was conducted in Oregon and the final report was issued in April 1991. Commenters also raised difficult issues with respect to review and adjustment, especially those concerning requirements for interstate cases. In response to these concerns, we have decided to publish a separate rule on the review and adjustment requirements which are effective October 13, 1993 to benefit fully from the wisdom gained from the review and adjustment projects. We believe this is the most prudent approach, given the time remaining before the 1993 requirements go into effect. Therefore, this final rule only addresses the requirements for

review and adjustment effective October 13, 1990.

Section 302.70 Required Laws.

Under § 302.70 States are required to enact certain laws and implement certain procedures designed to improve the effectiveness of the Child Support Enforcement program. Paragraph (a)(10) requires States to enact necessary laws and have procedures in effect for the review and adjustment of child support orders in accordance with the requirements of 45 CFR 303.8. Because of the addition of paragraph (a)(10) and revisions to § 303.100, we are making technical corrections to § 302.70(a) by revising paragraph (a)(8). We are making technical corrections to § 302.70(d)(1) and (2) to clarify that a State may apply for an exemption from any of the requirements of § 302.70(a) if it can demonstrate that compliance would not increase the effectiveness and efficiency of its Child Support Enforcement program.

Section 303.4 Establishment of Support Obligations

Section 303.4(c) is amended to require States to periodically review and adjust child support orders, as appropriate, in accordance with § 303.8.

Section 303.7 Provision of Services in Interstate IV–D Cases

Section 303.7(b)(2) is amended to clarify that the 20 calendar day time frame for referral of an interstate case is tied to the receipt of any information necessary to process the case, if appropriate.

Section 303.8 Review and Adjustment of Orders

The title of this section has been changed to "Review and Adjustment of Child Support Orders," to be consistent with the statutory language of Public Law 100–485.

Section 303.8(a) Definitions

Section 303.8(a) contains definitions designed to clarify key aspects of the review and adjustment process.

Paragraph § 303.8(a)(1) limits "adjustment" to the child support provisions of an order. Under § 303.8(a)(1)(i), "adjustment" means an upward or downward change in the amount of child support based upon an application of State guidelines for setting and adjusting child support awards. Under § 303.8(a)(1)(ii), "adjustment" also means the provision for the health care needs of the child through health insurance or other means.

Paragraph (a)(2) defines "parent" for purposes of § 303.8 to include any custodial parent or noncustodial parent (or, for purposes of requesting a review, any other person or entity who may have standing to request an adjustment to the child support order).

Paragraph (a)(3) defines "review" as an objective evaluation, conducted through a proceeding before a court, quasi-judicial process, or administrative body or agency, of information necessary for application of the State's guidelines for support to determine the appropriate support award amount, and the need for a provision in the order addressing the child(ren)'s health care needs through health insurance or other means under State guidelines.

Section 303.8(b) Plan for Review and Adjustment

Plan

Paragraph (b) requires the State to develop and implement a plan for review and adjustment of orders by October 13, 1990. Under paragraph (b)(1), the State must have a written and publicly available plan indicating how and when a child support order, in effect in the State, will be periodically reviewed and adjusted. Paragraph (b)(2) specifies the requirements that the State must meet for the period October 13, 1990 through October 12, 1993 with respect to orders being enforced in IV–D cases. Paragraph (b)(2)(i) requires that the State must use the plan specified in paragraph (b)(1) to determine whether such orders should be reviewed. Paragraph (b)(2)(ii) specifies that the State must initiate a review, in accordance with the plan, at the request of either parent subject to the order or of a IV–D agency.

Pre-Review Notice

Paragraph (b)(2)(iii) specifies the requirements for notifying each parent subject to a child support order in effect in the State regarding review and adjustment. Under this paragraph, the State must notify each parent of any planned review of the order at least 30 calendar days before commencement of the review.

Adjustment of the Order

Paragraph (b)(2)(iv) specifies that if the review determines that there should be a change in the child support award amount, the State must adjust the order in accordance with the State's guidelines for child support described in § 302.56. In addition, an adjustment must be made if the review determines that provision for the health care needs of the child(ren) in the form of health insurance or other means, as indicated by the State's guidelines, is required.

Post-Review Notice

Paragraph (b)(2)(v) specifies the requirements for notifying each parent subject to a child support order in effect in the State following any review. This paragraph requires notification of (A) any adjustment or a determination that there should be no change in the order; and (B) each parent's right to initiate proceedings to challenge the adjustment or determination, either through pre-decision review, appeal or administrative review, within at least 30 calendar days of the date of the notice.

3. Wage or Income Withholding

Section 3 of the Child Support Enforcement Amendments of 1984 (Pub. L. 98–378) added sections 454(20) and 466 of the Act to require all States to implement certain mandatory procedures which had been proven to noticeably increase the effectiveness of State programs, including procedures for wage withholding.

Section 466 required that States have in effect two distinct procedures for carrying out a program for wage withholding. The first, required under section 466(a)(1) and (b) of the Act, pertained only to cases being enforced through the IV–D agency. Under this requirement, States must have and use a procedure under which wages of an absent parent shall be subject to withholding in IV–D cases on the date the absent parent fails to make payments in an amount equal to one-month's support obligation. States were also required to implement the withholding at any earlier date that is in accordance with State law or that the absent parent may request. Withholding was to begin without amendment to the order or further action by the court. The Act also specified other elements of the withholding system for IV–D cases such as requirements for prior notice to the absent parent, basis for appeal, restrictions on the maximum amounts to be withheld, notice to the employer, and interstate withholding. These requirements were implemented in regulations at former 45 CFR 303.100 (a) through (g).

The second procedure, required by section 466(a)(8) of the Act, and implemented at former § 303.100(h), provided that all new or modified orders issued in the State include a provision for wage withholding when an arrearage occurs, in order to ensure that withholding is available without the necessity of filing an application for IV–D services.

Section 101 of Public Law 100–485 amends section 466 of the Act to require that States enact laws and implement procedures for immediate income withholding in certain cases. Under amended section 466(b)(3), a new subparagraph (A) provides that immediate withholding is required, effective November 1, 1990, for all IV–D cases with new or modified orders on the effective date of the order, unless one of the parties demonstrates, and the court or administrative authority finds good cause not to require the withholding, or a written agreement is reached between the parties which provides for an alternative arrangement.

For cases being enforced by the IV–D agency which are not subject to immediate withholding, section 101 of Public Law 100–485 amends the current requirements at section 466(b)(3) by creating a new subparagraph (B) which provides that the absent parent's wage shall be subject to withholding on the earliest of: The date on which arrearages occur which are at least equal to the support payable for one month; the date on which the absent parent requests that withholding begin; the date on which the custodial parent requests that withholding begin (in accordance with the standards and procedures the State may establish); or an earlier date the State may select.

Section 101 or Public Law 100–485 also amends section 466(a)(8) of the Act by revising the current language as redesignated subparagraph (a) to require that child support orders not described in subparagraph (B) contain wage withholding provisions, and creating a new subparagraph (B) to require that, effective January 1, 1994, States have procedures providing for withholding in all support orders not being enforced by the IV–D agency, regardless of whether support payments are in arrears, on the effective date of the order, except that such wages shall not be subject to withholding in any case where one of the parties demonstrates, and the court or administrative authority finds that there is good cause not to require immediate income withholding or a written agreement is reached between the parties which provides for an alternative arrangement.

To address these statutory changes we have adopted the following regulatory amendments:

We have amended § 303.100 to reiterate the statutory changes outlined above by revising paragraph (a) so that it will now cover withholding requirements which are common to all orders being enforced under the IV–D State plan, and redesignating paragraphs (b) and (c) as new paragraphs (d) and (e), to provide for advance notice to the absent parent and for procedures when the absent parent contests the withholding in cases where it is not immediate (i.e., initiated withholding). We have created a new paragraph (b) providing for immediate withholding for those orders which are issued or modified on or after November 1, 1990, and a new paragraph (c) providing for initiated withholding for orders not subject to immediate withholding under paragraph (b). We have also redesignated paragraphs (d), (e) and (g) as new paragraphs (f), (g), and (h) to provide for, in both immediate and initiated IV–D withholding, notice to the employer, procedures for administration, and interstate withholding. Former paragraph (f), which allowed States the option to extend withholding to other forms of income, has been moved to a new paragraph (a)(9) since it is applicable to all types of withholding. Finally, we have redesignated paragraph (h) as new paragraph (i) to address provision for withholding in non-IV–D child support orders.

General Withholding Requirements

We have consolidated the requirements which are common to all IV–D withholdings in § 303.100(a) using the unchanged statutory authority of section 466(b) of the Act. Paragraphs (a)(1) and (2) require that States must provide for wage withholding for all IV–D cases for both current and overdue support. Paragraph (a)(3) establishes limits of amounts to be withheld in all IV–D cases, as required by the Consumer Credit Protection Act (hereinafter CCPA). Paragraph (a)(4) requires that withholding in all IV–D cases must occur without the need for any amendment to the order or any other action by the court or entity that issued it, except actions required or permitted under § 303.100.

Paragraph (a)(5), requires that States develop procedures for allocation of support among families when there is more than one withholding in a case but in no case shall the allocation result in a withholding not being implemented for one of the support obligations. This revision is not specified in the statute. However, we are using the authority granted to the Secretary at section 1102 of the Act to publish regulations not inconsistent with the Act which may be necessary to efficiently administer the Secretary's functions under the Act. Upon publication of the current requirement in 1985, we stated that, in response to comments received on the proposed rule, we had changed the requirement that the employer respond to multiple withholdings on a first-come-first-served basis to one in which the State would allocate support payments among the families. We also suggested several mechanisms States could use in allocating amounts to be withheld, one of which was to give top priority to AFDC cases. We have since become aware that some States may have implemented this suggestion by deciding to allocate all available withholding up to the CCPA limit to the AFDC family, leaving no amounts available for a second non-AFDC family. This was not our intent, and this language in paragraph (a)(5) clarifies that, although a State may give priority to AFDC families, in no case shall the allocation result in another non-AFDC family receiving no support through the withholding process.

Paragraph (a)(6) requires that IV–D withholdings be carried out in full compliance with all procedural and due process requirements of the State.

Paragraph (a)(7) requires States to have procedures for promptly terminating withholding in all cases when there is no longer a current order and all arrearages have been satisfied. At State option, a State may also allow termination when the absent parent requests termination and withholding has not been terminated previously and subsequently initiated, and the absent parent meets the conditions for an alternative arrangement set forth under paragraph (b)(3).

Paragraph (a)(8) requires that States must have procedures for promptly refunding amounts improperly withheld. Paragraph (a)(9) permits a State to extend its withholding system to include forms of income other than wages.

Under paragraph (a)(10), support orders issued or modified in IV–D cases must require the absent parent to keep the IV–D agency informed of the name and address of his or her current employer, whether the absent parent has access to employment-related health insurance coverage and, if so, the health insurance policy information. This will simplify implementation of withholding.

Immediate Withholding in IV–D Cases

We have implemented section 466(b)(3)(A) of the Act by creating a new § 303.100(b) providing for immediate wage withholding. Paragraph (b)(1) requires that, in the case of a support order being enforced under title IV–D that is issued or modified on or after November 1, 1990, the wages of an absent parent shall be subject to withholding, regardless of whether support payments are in arrears, on the effective date of the order, except that

such wages shall not be subject to withholding in any case where one of the parties demonstrates, and the court or administrative authority finds, that there is good cause not to require immediate withholding, or a written agreement is reached between the parties which provides for an alternative arrangement.

Paragraphs (b)(2) and (b)(3) establish minimum definitions of "good cause" and "written agreement." Although not specified in the statute, we are using our authority under section 1102 of the Act to set these requirements because we believe that Congress intended that immediate withholding would be implemented in most cases. Consequently, paragraph (b)(2) provides that a finding of good cause by the court or administrative authority must be based on, at a minimum: (i) A written determination and explanation of why implementing immediate withholding would not be in the best interests of the child; and (ii) Proof of timely payment of previously ordered support in cases involving the modification of support orders. We believe that the best interests of the child should remain paramount and other concerns secondary. Certainly, payment of past-ordered support will provide a measure of the absent parent's good faith. In modification proceedings, States may choose not to allow past timely payment to justify avoiding immediate withholding.

These criteria were formulated to exclude certain other considerations. For example, we do not believe that good cause would be demonstrated if the absent parent objects to immediate withholding on the grounds that it would be inconvenient, since the purpose of the support order and withholding is to provide for the best interests of the child. Payroll deduction is a convenient means of paying debts. Moreover, the overall thrust of the immediate withholding provisions have, in effect, removed any reason for an employer to believe that the employee is not meeting his or her obligations in a responsible manner, since all child support orders (IV–D and non-IV–D) will eventually be subject to this automatic provision. This also means that a demonstration by the absent parent that he or she has established a good credit rating should not qualify for good cause, since the imposition of immediate withholding contains no assumption that the absent parent would default on support payments. Also, a credit rating may or may not take into consideration an absent parent's support obligation, or that obligation may not be heavily weighted.

Paragraph (b)(3) provides that a "written agreement" means a written alternative arrangement signed by both parents, and, at State option, the State in IV–D cases in which there is an assignment of support rights to the State, and reviewed and entered in the record by the court or by an administrative authority. We have given States the option in IV–D cases in which there is an assignment of support rights to the State to be a party to any alternative arrangement between the absent and custodial parents which meets the above condition because of the State and Federal interest in securing support for those in need of public assistance. We have provided that such written agreement be reviewed and entered in the record by the court or administrative authority for protection of the best interests of the child as well as the parents. Such an agreement may contain stipulations between the custodial and absent parents, and, at State option, the State in IV–D cases in which support rights have been assigned, which are in addition to those required under this paragraph.

Initiated Wage Withholding

We have implemented revised section 466(b)(3)(B) of the Act by creating a new § 303.100(c) for initiated wage withholding in cases where immediate withholding, as set forth in § 303.100(b), would not apply because the support order was issued before, and not modified after, November 1, 1990. Paragraph (c), in conjunction with paragraphs (a), (d), (e), and (f) will continue, with some modification, the original wage withholding requirements contained in Public Law 98–378 for existing orders being enforced under title IV–D.

Section 303.100(c) sets forth requirements for withholding with respect to cases in which wages are not subject to immediate withholding in paragraph (b), including cases subject to a good cause finding or a written agreement. Under paragraph (1), the wages of the absent parent shall become subject to withholding on the date on which payments which the absent parent has failed to make under a support order are at least equal to the support payable for one month or, if earlier, and without regard to whether there is an arrearage, the earliest of: (i) The date on which the absent parent requests that withholding begin; (ii) The date on which the custodial parent requests that withholding begin, if the State determines, in accordance with such procedures and standards as it may establish, that the request should be approved; or (iii) Such earlier date as State law or procedure may provide. In the latter instance, we have specified that the State may select an earlier date via law or procedure to indicate that this must apply on an across-the-board, rather than a case-by-case basis. For example, a State may wish to set a lower trigger of one week's support delinquency, rather than the outside limit of a month's delinquency required by statute and regulation. The State may not apply a more stringent standard on an individual case basis, but must apply it to all cases if this approach is selected.

These provisions parallel the requirements of Public Law 98–378 with one important exception. The new requirement at section 466(b)(3)(B)(ii) of the Act and at § 303.100(c)(1)(ii) now allows the custodial parent to request that withholding be imposed without regard to whether support payments are in arrears, if the State agrees based on procedures and standards which it may establish to determine when this is appropriate. Since the statute has given States authority to determine the criteria under which such requests by the custodial parent may be approved, we have not established requirements for these procedures and standards. However, such procedures and standards may not limit custodial parents' requests to cases where the 30-day triggering arrearage is met or cases where the custodial parent requests review and adjustment of the order and the order is adjusted. Under this provision, a State could choose to establish a simple administrative procedure to implement withholding upon custodial parent request if an absent parent is not meeting the terms of a written agreement for an alternative arrangement, or the support order was established or modified before November 1, 1990. Alternatively, a State may opt to require a return to court in order to implement withholding where no qualifying arrearage exists. In any case, State statute, rules or procedures must provide for withholding upon request in cases not subject to withholding in which the 30-day triggering arrearage has not been met, and in which State standards are met. This provision will also enable States which desire to do so to bridge the gap between the original initiated withholding mandated in Public Law 98–378 and the new immediate withholding requirements of Public Law 100–485 by incorporating either some, or all, of the new immediate withholding provisions on behalf of their existing initiated

withholding caseload. We encourage States to establish expedited procedures for custodial parents in such cases to request withholding as a means of ensuring regular and timely support payments consistent with protecting the due process rights of the other parent.

Paragraph (c)(2) requires the State to send the advance notice required under paragraph (d) to the absent parent within 15 calendar days of the appropriate date under paragraph (c)(1) if the absent parent's address is known on that date, or, if the absent parent's address is not known on that date, within 15 calendar days of locating the absent parent. Obviously, advance notice is unnecessary if the absent parent requests withholding under paragraph (c)(1)(i).

Paragraph (c)(3) requires that the only basis for contesting an initiated withholding is a mistake of fact, defined as an error in identity of the absent parent or in the amount of support due.

Advance Notice to the Absent Parent in Cases of Initiated Withholding

Section 303.100(d)(1) requires timely advance notice to the absent parent in cases of initiated withholding on the date specified in paragraph (c)(2) and specifies the required contents of the notice. We have also established a timeframe, in paragraph (d)(2)(ii), for sending notice to the employer in States which are not required to provide advance notice to the absent parent because they had a withholding system in effect on August 16, 1984, which provides any other procedures necessary to meet the procedural due process requirements of State law. Under this timeframe, a State is required to send notice to the employer under paragraph (f) within 15 calendar days of the appropriate date specified in paragraph (c)(1) if the employer's address is known on that date, or, if the employer's address is not known on that date, within 15 calendar days of locating the employer's address.

State Procedures When the Absent Parent Contests Initiated Withholding in Response to the Advance Notice

Section 303.100(e) addresses State procedures to be followed when the absent parent contests a proposed initiated withholding. We have changed the citations within this paragraph to reflect the redesignation of other paragraphs in this section.

Notice to the Employer for Immediate and Initiated Withholding

Section 303.100(f) provides for notice to the employer for both immediate and initiated wage withholding. In paragraph (f)(1)(ii), we have added a requirement that the employer report to the State the date on which the amount sent to the State was withheld from the absent parent's wages. This date is needed by the State to ensure proper distribution of support under current statute and regulations. If the employer fails to report this date to the State, the IV–D agency must, in accordance with § 302.51(a)(4), reconstruct the date of withholding by contacting the employer or comparing actual amounts collected with the pay schedule specified in the court or administrative order.

Paragraph (f)(2) requires that, in the case of immediate wage withholding under paragraph (b), the State must issued the notice to the employer specified in paragraph (f)(1) within 15 calendar days from the date the support order is entered if the employer's address is known on that date, or, if the address is unknown on that date, within 15 calendar days of locating the employer's address. We believe that a 15-day turnabout is consistent with the intent of immediate wage withholding. Paragraph (f)(3) requires that, in cases of initiated withholding, if the absent parent fails to contest withholding within the period specified, the State must send the notice to the employer within 15 calendar days of the end of the contact period if the employer's address is known on that date, or, if the address is unknown on that date, within 15 calendar days of locating the employer's address. Paragraph (f)(4) requires that if the absent parent changes employment within the State when a withholding is in effect, the State must notify the absent parent's new employer within 15 calendar days of locating the new employer's address, in accordance with the requirements of paragraph (f)(1) that the withholding is binding on the new employer.

Administration of Withholding

Section 303.100(g) provides for certain administrative actions by the States and is applicable to both immediate and initiated withholding.

With the technology available to transfer funds electronically, many employers have payroll systems (or contracts with service bureaus) which can automatically deposit wages in more than one financial account. We encourage employers, who currently have the capability to do so, to begin remitting withheld wages electronically as soon as possible to any State's withholding agency which has the capability to receive such funds electronically on the same day funds are deposited in employees' bank accounts. OCSE is developing model procedures for electronic transfer of child support payments through cooperation with the National Automated Clearinghouse Association (NACHA) which sets rules and administers the Automated Clearinghouse Network. A work group has also been formed representing employers, financial institutions and child support agencies to develop a standard format for transferring both income withholding payments and the related data. OCSE will continue to keep States informed of efforts in this area. In anticipation of the requirement that all States have operational automated child support enforcement systems by October 1, 1995, in accordance with section 123 of Public Law 100–485, we require in paragraph (g)(2) that, no later than October 1, 1995, the State must be capable of receiving withheld amounts and accounting information which are electronically transmitted by the employer to the State. This will greatly reduce the time it takes for support payments to reach families in need of them.

Under § 303.100(g), States are allowed to designate more than one public or private entity to administer withholding on a State or local basis under the supervision of the State withholding agency. However, because of the need to reduce the burden on employers and to simplify procedures for electronic transfer of withheld amounts, we encourage States to designate a single public agency to administer withholding in IV–D cases. This will simplify withholding for employers in both intrastate and interstate cases whether it is accomplished through electronic transfer or other means, and is essential to ensure a simple process for electronic transfer of withheld child support obligations.

We also encourage States to use electronic funds transfer for withholding wages in non-IV–D cases. In many States, funds paid through wage withholding could be deposited directly in custodial parents' bank accounts. Custodial parents' bank account statements would provide good documentation of payments received. Using non-IV–D cases would enable States to implement wage withholding easily in non-IV–D cases. (Historically, payment in IV–D cases have gone through the IV–D system rather than directly to custodial parents' accounts because of additional information needed in IV–D cases.)

Interstate Withholding

Section 303.100(h), requiring that State law must provide for procedures to extend the State's withholding system

so that system will include interstate cases, is applicable to immediate and initiated withholding. Paragraph (h)(1) provides that a responding State may register orders for purposes of withholding only if registration is for the sole purpose of obtaining jurisdiction for enforcement of the order; does not confer jurisdiction on the court or agency for any other purpose (such as modification of the original support order or resolution of custody or visitation disputes); and does not delay implementation of withholding beyond the timeframes in paragraph (h)(5). This is a formal statement in the regulations of our policy since wage withholding was originally enacted in 1984, with a clarification that "delay" means a delay beyond required timeframes.

Paragraph (h)(3) requires that the initiating State must notify the State in which the absent parent is employed within 20 calendar days of a determination that withholding is required in a particular case, and, if appropriate, receipt of any information necessary to carry out the withholding. For consistency, we have also amended the requirements at § 303.7(b)(2), for provision of services in interstate cases, to require that within 20 calendar days of determining the absent parent is in another State, and, if appropriate, the receipt of any information needed to process the case, the initiating IV–D agency must refer any interstate case to the responding State's interstate registry for action, including URESA petitions and requests for location, document verification, administrative reviews in Federal income tax refund offset cases, wage withholding, and State income tax refund offset in IV–D cases. In addition, the last sentence of paragraph (h)(3) requires that, if necessary, the State where the support order is entered must provide the information necessary to carry out the withholding within 30 calendar days of receipt of the request for information.

Under paragraph (h)(4), the State in which the absent parent is employed must implement withholding in accordance with paragraph (h)(5) upon receipt of the notice required in paragraph (h)(3). Finally, paragraph (h)(5) requires that the State where the absent parent is employed must provide the absent parent with notice, if appropriate; an opportunity to contest an initiated withholding, if appropriate; send notice to the employer; and notify the initiating State when the absent parent is no longer employed in the responding State. Paragraphs (h) (6) and (7) set forth choice of law requirements in interstate cases.

Provision for Withholding in Child Support Orders

Paragraph (i) amends the former requirement in 45 CFR 303.100(h) which implemented the requirement in section 466(a)(8) of the Act that all child support orders include provision for withholding, to assure that withholding is available if arrearages occur, without the necessity of filing application for IV–D services. In requiring all orders issued after January 1, 1994, to be subject to immediate withholding (except where exclusions due to good cause or alternate arrangement between the parties are applicable), section 101(b) of Public Law 100–485 redesignated prior section 466(a)(8) (which was effective October 1, 1985) as section 466(a)(8)(A) and limited its applicability to orders *not* covered under the immediate withholding requirement for all non-IV–D orders issued in 1994 and thereafter. Therefore, since prior section 466(a)(8) was effective October 1, 1985, we have limited the applicability of 45 CFR 303.100(i) to orders which were issued between October 1, 1985 and January 1, 1994, or are modified on or after January 1, 1994. In response to comments on the proposed rule, we are not including in this final rule requirements effective for non-IV–D orders issued in 1994 and thereafter.

Response to Comments

We received comments on the proposed rule published August 15, 1990, in the **Federal Register** (55 FR 33414) from over 70 commenters representing national organizations, State and local IV–D agencies, child advocacy groups and private citizens. Comments and our responses appear below.

I. Notice of Assigned Support Collected

General

1. *Comment:* We received many comments stating that sending monthly notices to individuals who have assigned rights to support under § 232.11 would be costly due to the price of postage; would be time-consuming and take time away from providing other mandated services; create a tremendous burden on the States; and cause confusion on the part of the AFDC recipient resulting in increased letters and phone calls. Another commenter recommended that States be permitted to provide quarterly notices of collection to avoid increased program costs. One commenter suggested that the regulation be amended to require a monthly notice only upon request.

Response: Section 104 of the Family Support Act of 1988 amended section 454(5)(A) of the Social Security Act to require States to send a monthly notice of support payments collected to individuals who have assigned rights to support to the State. The statute does not authorize States to send notices only upon request but does allow a State to provide quarterly notices if the Secretary determines with respect to a State that requiring such notice on a monthly basis would impose an unreasonable administrative burden.

2. *Comment:* One commenter asked, if States are contracting with individual counties to provide IV–D services, is the monthly notice requirement at § 302.54(b)(2) passed on to the counties?

Response: Yes, a political subdivision operating the IV–D program for the State must provide monthly notice in accordance with § 302.54. However, it is permissible for the State to issue all such notices at its option.

3. *Comment:* One commenter asked us to clarify whether the amount of support collected includes the $50 pass-through payments for each months of collection.

Response: Yes, the notice should reflect the amount of support collected, including the $50 pass-through payments.

Content of Notice

1. *Comment:* We received several comments suggesting including additional information in the notice, i.e., the amount of support paid that month, year to date amount paid and amount applied to the AFDC debt and the debt to the family. The commenters suggested that the notice should be sent to non-AFDC, AFDC and Medicaid clients and should be sent at least quarterly even if no payments have been made.

Response: The monthly notice must include the amount of support paid during that month. However, the Federal requirements are minimum standards. States have the option to include additional information in the monthly notice to individuals who have assigned rights to support under § 232.11 or to send notice to individuals other than those who have assigned rights to support under § 232.11.

Providing One-time Notice Under Proposed Section 302.54(b)(1)

1. *Comment:* Many commenters objected to the proposed requirement at § 302.54(b)(1) and the IV–D agency must notify individuals who have assigned rights under § 232.11 that a monthly notice will be provided for each month in which support is collected. Some commenters maintained that there is no statutory requirement for providing such a notice, and that the proposed language went beyond the intent of Congress.

Several commenters felt that such a notice would be redundant, costly, and confusing. Another commenter asserted that this one-time notice would involve the production and mailing of notices at considerable expense to the States, with no benefit to clients. One commenter claimed that there was no compelling reason for announcing that monthly notices will be provided and contended that if the monthly notices were clearly worded and understandable, no prior explanation should be required. These commenters recommended that the advance notice requirement be deleted. One commenter suggested that a notice be required even when no collection had been made in that month so as not to cause confusion and an increase in the number of telephone inquiries. This commenter suggested giving the client the option of waiving the right to receive the notice on a monthly basis.

Response: We proposed that a one-time notice be provided to individuals who have assigned rights to support under § 232.11 to inform these individuals that if no support collection was made during a month, the State would no longer provide a notice to the family. Prior policy with respect to annual notice of support collections required States to provide an annual notice even if no collections were made during the year. Because States will be required, effective January 1, 1993, to provide monthly, rather than annual notice, we are not requiring States effective that date to send a monthly notice even if no collection is made. In view of the overwhelming negative response to the one-time advance notice requirement, and the distinct possibility that it will create more confusion than it will eliminate, we are deleting it from the final rule. States may determine how or whether to deal with any confusion over this change in policy. One suggestion would be to include this change in policy as part of the last annual notice before monthly notices begin to be sent.

Automated Voice Response System/ Toll-Free Telephone Numbers

1. *Comment:* We received a number of comments in favor of using an automated voice response system to meet the monthly notice requirements. The commenters believe this method is faster, more cost effective and more convenient than a computer-generated form mailed to the custodial parent once a month. One commenter requested that we put language in the regulation regarding using an automated voice response system. Another commenter stated that providing a monthly notice at the request of the recipient, is contradicting HHS's position on the proper interpretation of the statute that notice may not be sent only upon request. On the other hand, another commenter argued that the final regulations should change the word "provide" to "send" for consistency with the statute, clarify that written notice must be sent and that an automated voice response system does not meet the requirement for sending a monthly notice.

Response: Section 454(5)(A) does not require that monthly notice be "sent," but rather that the AFDC "individual will be notified on a monthly basis * * *." We believe that automated voice response systems have proven to be worthwhile, cost-effective and in some ways more responsive than monthly written notice. In using an automated voice response system, an individual would place a toll-free call to a specified telephone number, provide certain personal identification information to guarantee confidentiality, and receive a message over the telephone regarding the amount of support collected during the month on his or her behalf, case status and other information. A number of States currently use such a system with positive responses from AFDC recipients. In the State of Washington, the Department of Social and Health Services has an automatic response system called KIDS (Kids Information Delivery System) which responds to questions regarding child support case activities. This system receives an average of 23,000 calls per day. The IV-D staff view the system as a relief from the overwhelming number of calls (freeing them to pursue establishment and enforcement activities), and clients see the benefits of obtaining quick information about their payments. The District of Columbia also has an automated voice response system that handles more than 700 calls per day. The system operates 24-hours a day and can handle more telephone calls more efficiently than a comparable activity using human operators. Agency staff use the time made available by this system to perform needed enforcement activities. This system is updated daily with no necessity of downtime. In addition, the IV-D program in Philadelphia, Pennsylvania has an automated voice response system which handles more than 2,000 calls per day.

However, we agree that the use of an automated voice response system alone may not be adequate. Therefore, these final regulations require States which have an automated voice response system to provide quarterly, rather than monthly, written notices. In this way, individuals entitled to notice of collections will benefit from both easy access to information through the automated voice response system as well as being assured quarterly written notice of collections. (See also discussion following under *Waivers.*)

2. *Comment:* One commenter stated that since an automated voice response system only reaches those who want the information, a State with a non-automated hotline should be allowed to do likewise. The State can answer the inquiries manually by accessing its automated distribution system. Local offices can also respond to such inquiries. The option should be given to all States regardless of whether the State has an automated voice response system.

Response: While use of both systems require a request to be made for information, we do not believe use of a hotline is equally effective. Use of an automated voice response system eliminates the need for State employees to respond to individual requests, a task that has proved overwhelming in State after State. Use of an automated voice response system allows State employees to work cases, not just answer questions about status. While use of a hotline manned by caseworkers can be a helpful public service, it may not substitute for monthly notice. Access to information through an automated voice response system enables individuals served by the program to obtain information quickly and conveniently.

3. *Comment:* One commenter indicated that clients should receive a monthly written notice if payments are made, and that having a toll-free number available for them to call is not acceptable. Many low income families do not have telephones.

Response: While some families do not have telephones, anyone has access to a public telephone. Automated voice response systems are accessed using toll-free numbers and, therefore, obviate any long distance telephone charges. In addition, quarterly notices must be sent if the State uses an automated voice response system.

4. *Comment:* One commenter asked us not to allow States to substitute phone inquiry systems, automated or otherwise, for monthly written notices of child support collections. The information needed to make the notice meaningful is much too complex to be conveyed in response to a telephone inquiry.

Response: Automated voice response systems have proved to be very effective at providing information about case status and collections. Automated

daily updates of this information are also possible. We believe that a system of this type can be designed to be easily understandable, effective, and efficient and provide all of the information required by these regulations.

5. *Comment:* One commenter asked us to clarify whether or not the automated voice response system is eligible for enhanced Federal Financial Participation (FFP).

Response: The development of an automated voice response system is eligible for enhanced Federal funding at the 90 percent matching rate if the functionality is an integral part of an approved Statewide comprehensive automated system and if all other requirements for IV–D funding are met. If the automated voice response system is developed apart from the Statewide comprehensive system, funding is available at the regular match rate of 66 percent. In either case, Federal matching at 66 percent is available for operation of the automated voice response system.

Waivers Under Proposed Section 302.54(c)

1. *Comment:* One commenter suggested that a waiver be allowed even if a State has an operational automated system which can produce the monthly notices and that waivers be renewable periodically after October 1, 1995. A commenter requested continuing waivers especially if a State is under court order requiring the issuance of notices more complex than those required to meet Federal regulatory requirements. Another commenter asked if the availability of a toll-free phone number for collection information (as well as general information) would be considered as an additional factor justifying permission being granted for quarterly notices. One commenter asked if a State can apply for a waiver of the monthly notice requirement if it has a certified automated system, but believes that the mailing costs would be excessive.

Response: We revised the regulations to allow indefinite waiver of the monthly notice requirement if States send quarterly notices and have an automated voice response system which provides all required information in § 302.54(b)(2). We believe that the combination of quarterly notices and an automated voice response system adequately addresses divergent concerns with respect to administrative burden and a State's responsibility to provide notice. The regulation does not allow use of a hotline manned by agency employees during regular business hours to justify sending quarterly notices because it is not as accessible as an automated response system, is too labor intensive, can divert resources from other pressing enforcement agency responsibilities, and, too frequently, is inadequate to meet the demands for information. Given the availability and advantages of an automated voice response system and the mandate that all States develop automated information management systems by 1995, we do not believe use of a hotline is an adequate substitute for monthly or quarterly notice.

With respect to granting waivers based on mailing costs, section 454(5)(A) of the Act allows quarterly notices only if a State demonstrates an unreasonable administrative (not just cost) burden. Any such costs, moreover, must be balanced against the benefits of frequent notices of collection which the Congress perceived in enacting this statutory requirement.

States that generate monthly notices using their automated system and States which receive waivers to provide quarterly notices should not be overly burdened by these requirements. Therefore, the Office may grant a waiver to permit a State to provide quarterly, rather than monthly, notices, if the State: (1) Until September 30, 1995, does not have an automated child support enforcement system that performs child support enforcement activities consistent with § 302.85 or has an automated system that is unable to generate monthly notices; or (2) uses an automated voice response system which provides the information required under paragraph (b)(2). A quarterly notice must be provided in accordance with conditions set forth in paragraph (b)(1) and must contain the information set forth in paragraph (b)(2). For a waiver to provide quarterly notices to be extended beyond September 30, 1995, the State must use an automated voice response system which provides the information required under paragraph (b)(2). Waivers will be granted as a part of the State plan approval process.

2. *Comment:* A few commenters stated that waivers should not be given to States with computer systems that do not currently generate notices. States should be required to program computers to generate notices.

Response: Effective October 1, 1995, States are required to have in effect Statewide automated child support enforcement systems. However, many States do not currently have a comprehensive automated system. Any automated system developed to meet the 1995 requirements for a Statewide system must produce mandated notices of collections. We believe it is reasonable to allow a State that cannot currently generate notices using an automated system a waiver to send quarterly notices because sending monthly notices would impose an unreasonable administrative burden on the State.

3. *Comment:* One commenter asked us to clarify for those States which are not State-administered whether the waiver will include all jurisdictions within the State.

Response: For States which are not State-administered, the waiver will include all jurisdictions within the State.

II. Review and Adjustment of Support Orders

This final regulation only addresses requirements for review and adjustment of support orders effective October 13, 1990. We are issuing a separate regulation to address the requirements for review and adjustment which take effect on and after October 13, 1993. In that regulation, we will address, for the post-October 1993 period, specific requirements for interstate review and adjustment, grounds for adjustment, timeframes for review and adjustment, and notice of the right to request a review.

Comments and our responses which relate to the October 13, 1990 requirements for review and adjustment appear below:

Section 302.70—Required State Laws

1. Comment: Several commenters indicated that State agencies need a strong Federal mandate to support their efforts to obtain new legislation that will facilitate a comprehensive periodic review and adjustment program. They suggested that § 302.70(a)(10) be expanded to specifically require States to adopt laws that provide for: (1) A quantitative standard for adjustment, (2) agency subpoena power that may be enforced administratively and (3) a clear statement that agreements between parents settling child support obligations are contrary to public policy.

Response: Section 303.8 sets forth specific Federal requirements for review and adjustment of orders effective October 13, 1990. Congress allowed States discretion in developing their plans for how and when child support orders in effect in the State will be periodically reviewed and adjusted between 1990 and 1993. In 1993, more stringent requirements become effective requiring reviews in certain cases at 36-month intervals. As States develop their plans and enact legislation implementing review and adjustment in the States, we encourage them to consider authorizing agency subpoena

power that may be enforced administratively, and otherwise facilitating the review and adjustment process in anticipation of the 1993 statutory mandates. The OCSE is funding several demonstrations related to periodic review and adjustment, and we are committed to widely disseminating knowledge of desirable practices employed by the demonstration States or learned elsewhere across the country. However, we do not believe such specific mandates were intended by the Congress with respect to States' review and adjustment activities between 1990 and 1993.

With respect to stipulated agreements, any child support obligation incorporated within such agreement must be set in accordance with State guidelines for child support awards, or there must be a written finding or finding on the record by the court or administrative agency determining that the guideline amount is unjust or inappropriate in the particular case. (See final rules on presumptive guidelines published May 15, 1991 (56 FR 22335)).

2. Comment: In response to the requirement that States have laws effective October 13, 1990 requiring that States have procedures for review and adjustment of child support orders, one commenter contended that this timeframe was unreasonable as it would be virtually impossible to have State law enacted by October 13, 1990.

Response: Section 466(a)(10) of the Act was enacted on October 13, 1988. This permitted States a full two-year implementation period within which to enact legislation and procedures in order to be in compliance with the requirements effective on October 13, 1990.

3. Comment: One commenter requested that § 302.70(d)(1) be changed to permit States to apply for an exemption from the required State law criteria for review and adjustment. The commenter indicated that under certain circumstances a State could demonstrate that procedures for review and modification would not increase the effectiveness and efficiency of its Child Support Enforcement program based on the cost of implementing these procedures.

Response: We have revised paragraph § 302.70(d)(1) to eliminate reference to specific mandated procedures. By referencing § 302.70(a) in its entirety, States may request an exemption from any mandated procedure, including review and adjustment of orders. Exemption requests must meet the requirements of OCSE–AT–88–19 (December 28, 1988).

4. Comment: One commenter asked whether OCSE has the authority to direct the activities of courts or other agencies serving non-IV–D clients in regard to review and modification of support orders.

Response: OCSE does not have the authority under the Family Support Act to direct the activities of courts or other agencies with respect to review and adjustment of orders in non-IV–D cases. However, the State, in order to have an approved State IV–D plan, may need to enact laws and procedures which bind the courts and other authorities involved in the review and adjustment of orders being enforced under the IV–D program. As directed by the Congress, the Secretary of HHS is also conducting a study of the impact of extending review and adjustment services to non-IV–D cases.

Section 303.4—Establishment of Support Obligations

1. Comment: Several commenters urged OCSE to put timeframes in a separate section, independent of the timeframes for establishing support orders set forth in § 303.4 because 90 days is insufficient time for review and adjustment in certain cases such as interstate cases.

Response: We have not included timeframes for review and adjustment in § 303.4(d) because we agree that separate timeframes for review and adjustment are warranted. States have flexibility in their plans for review and adjustment to indicate how and when child support orders will be periodically reviewed and adjusted for the three years commencing on October 13, 1990. Therefore, we are not setting timeframes for review and adjustment in this final rule. We address timeframes for review and adjustment of orders in a separate regulation to be issued governing requirements effective on and after October 13, 1993.

State Responsibilties and IV–D Agency Responsibilities

1. Comment: Questions were raised on the State's responsibilities as differentiated from the IV–D agency's responsibilities. One commenter noted that the language of Public Law 100–485 distinguishes the State's duties which may be carried out by the IV–D agency or by some other arm of the State from other duties which are specifically the responsibility of the State IV–D agency. The commenter further noted that proposed § 303.8 reflected this distinction in the description of the State's responsibilities for conducting the review and adjustment process. The commenter was concerned that the preamble rationale contradicted this by specifying that the IV–D agency must respond to requests for review by the absent parent for review and adjustment.

The commenter presented the following rationale: The review and adjustment section of Public Law 100–485 clearly distinguishes between the "State" and "State child support enforcement agency," or IV–D agency. Under that section, some duties lie generally with the State, which means that they may be carried out by the IV–D agency, or by some other arm of the State, according to the individual State scheme. Other duties are assigned to the State child support agency, and are specifically the responsibility of that entity.

Section 466(a)(10)(A) states, "The State must, at the request of either parent subject to the order, or [at the request] of a State child support enforcement agency, initiate a review of such order, and adjust such order, as appropriate, in accordance with the guidelines * * *." The statute makes a clear distinction between the "State" and the "State child support enforcement [or IV–D] agency," a distinction that is recognized throughout the Federal regulations, most particularly in the definition 45 CFR 301.1. There, "State" is defined as "the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam," while "IV–D agency" (the State child support enforcement agency referred to in the Family Support Act) is defined as "the single and separate organizational unit in the State that has the responsibility for administering or supervising the administration of the State plan under title IV–D of the Act." To interpret the statute any other way would require the IV–D agency to respond to a request for modification from itself, a function not within its power to provide, and by its terms contradictory.

This distinction between the duties of the State and those of the IV–D agency is crucial. State child support enforcement agencies were created under title IV–D of the Social Security

Act with a specific goal and purpose: to reduce AFDC dependency and promote family economic self-sufficiency, by establishing and enforcing child support awards. This is a valid State purpose, carried out by one State entity. Yet States have many goals and interests, carried out by many entities. States have, for example, an interest in creating just and impartial forums for the resolution of disputes and protection of all State citizens. Commonly, this State purpose is realized through the State court system, quasi-judicial processes, State administrative processes, or some combination thereof.

Response: We agree with the commenter's characterization of the statute and believe it is the best way to accommodate divergent State processes for establishing/adjusting child support awards. Therefore, § 303.8 reflects the distinction between the State and the IV–D agency in the description contained therein of the State's responsibilities for conducting the review and adjustment process. Throughout the provision, the regulation consistently describes the duty of conducting the review and adjustment process as a State responsibility. This appropriately reflects the Act, which does not specify the IV–D agency (or any other State entity) as the specific focus for the State's responsibility to conduct reviews and adjustments. The commenter was correct in pointing out that our statement in the preamble should have stated that the State, not the IV–D agency, responds to the absent parent's request for review and adjustment. At the State's discretion, the forum for review and adjustment may be the State court system, a State administrative process, or some other mechanism.

These regulations appropriately reflect statutory language which places responsibility for review and adjustment with the State. However, while this allows States to develop review and adjustment processes within appropriate forums or agencies in the State, it in no way relieves the State of the responsibility to meet Federal requirements, as a condition of IV–D State plan approval, or from the consequences specified by statute should they fail to do so.

States may allocate the various review and adjustment functions as they see fit between the administrative agency and the courts, or based on the availability of administrative, quasi-judicial, and judicial processes. By virtue of their varied administrative and judicial structures, States may choose to allocate differently the screening, review, and adjustment functions, with some conducting much of the review process in the administrative agency, while others place the review process in the adjudicatory body, whether it be through quasi-judicial or judicial process, or a combination thereof.

We urge States to examine the work underway in those States with Federally-supported demonstration projects or who are otherwise pursuing innovative approaches to carry out review and adjustment. For example, both Florida and Colorado review and adjust orders using the judicial system but attempt to obtain obligor and obligee stipulations to a modified order prior to filing a motion to adjust in court. Delaware uses the IV–D administrative agency for some processes and the court for others. Delaware is testing two review and adjustment processes: a mediation process using the existing structure and a mail-based stipulation process, thereby requiring two separate sets of procedures. Oregon uses the IV–D agency for the entire review and adjustment process. The Oregon agency found advantages to using an administrative process, including the #fact that it was less costly and that hearings could be conducted with the parties by telephone.

The regulations would allow States to address issues which arise in some States where there may be a perceived conflict of interest for a IV–D agency attorney, such as representing or advocating for an obligor seeking a downward adjustment. The IV–D agency must provide services deemed appropriate and in the best interests of the child. In cases in which application of the guidelines indicates the appropriate support award amount is less than the obligor is currently required to pay, we do not believe there will be a conflict for the State IV–D agency to serve primarily an administrative function rather than that of legal advocate and present these facts to the decision-maker.

Section 303.8—Review and Adjustment of Child Support Orders

Scope of Adjustment—Section 303.8(a)(1)

1. Comment: Several commenters suggested that the regulatory language refer to "adjustment" rather than "modification" to be consistent with the statutory language. They indicated that the use of the term "adjustment" would enable States to change the support award amount in accordance with guidelines without having to otherwise show a change in circumstances necessary to warrant a modification, which may be required by State statutory or case law.

Response: We concur with the suggestion that regulatory language be consistent with statutory language. Therefore, we use the term "adjustment" instead of "modification". In addition, we are using "orders" instead of "obligations" as "orders" is the term used in section 466(a)(10) of the Act.

2. Comment: One commenter requested that we add a definition of "support" to include the availability of health insurance coverage as a basis for triggering the modification process.

Response: Under current regulations at § 303.31(b)(1), the IV–D agency is required to petition for health insurance that is available to the absent parent at reasonable cost in cases in which there is an assignment of support rights to the State and the custodial parent does not have satisfactory health insurance other than Medicaid, and in other cases when requested by the individual applying for services. Rather than define "support" we believe it is more appropriate, and achieves the same goal, to define "adjustment" to mean an upward or downward change in the amount of child support based upon an application of State guidelines, consistent with the requirements at § 302.56, for setting and adjusting child support awards and/or providing for the child's health care needs through health insurance or other means.

3. Comment: One commenter asked whether the IV–D agency is responsible for modification of alimony provisions of an order. The commenter questioned mortgage and schooling provisions when treated as support in an order, and suggested that IV–D services be clearly limited to situations where child support is explicitly spelled out. Applications for services should be rejected if other factors are weighed heavily in the original order.

Response: Section 103 of the Family Support Act specifically provides for review and adjustment of child support orders only. Clearly, under the law which this regulation implements, review and adjustment does not extend to aspects of the decree other than child support. The law links the review and adjustment process to use of guidelines for setting child support awards. Therefore, neither the law nor these regulations provide an avenue under the IV–D program for adjusting spousal support awards. Under § 302.31(a)(2), effective October 1, 1985, the State must secure support for a spouse or former spouse who is living with the child or children, but only if a support obligation has been established for that spouse and

the child support obligation is being enforced under the title IV–D State plan. Furthermore, these regulations are not meant to create an avenue under the IV–D program for review and adjustment of ancillary provisions for orders, such as custody or visitation rights. The IV–D agency should inform the applicant of what services are available under the IV–D program, what other services may be available and the cost thereof, and what services the IV-D agency may not provide.

Definition of Parent—Section 303.8(a)(2)

1. Comment: One commenter requested us to define parent to include "custodial parent, non-custodial parent or any custodial beneficiary".

Response: We complied with this request in our definition of parent. This will ensure that the appropriate persons affected by a review and/or adjustment will be contacted during the process.

2. Comment: Several commenters asked that the definition of "parent" be extended to include State IV–E and Medicaid agencies.

Response: We have defined "parent" to include any custodial parent or non-custodial parent (or for purposes of requesting a review, any person or entity who may have standing to request an adjustment to the child support order). We have not further delineated what persons or entities may be considered a "parent" for purposes of review. While we recognize that, generally, the parties to a child support order are the two parents, other custodial placements for children receiving IV–D services are possible, under which an individual or entity acts in the stead of a parent. For example, a child for whom child support is due under an order may be in foster care placement and receiving services through the State IV–E program. Certainly, if the State is either a party to the underlying support order or, under State law or procedure, has standing to bring or intervene in a legal proceeding for adjustment of the amount of child support, the State IV–E agency could request a review in such a case.

3. Comment: Several commenters raised concerns about providing review and adjustment of orders in Medical Assistance Only (MAO) cases. One commenter noted that such cases have medical support rights assigned to the Medicaid Agency, not to the IV–D agency. Another commenter requested MAO cases be treated as non-AFDC cases as there is no child support assignment.

Response: Non-AFDC applicants for Medicaid services are required to assign medical support rights to the State as a condition of receiving Medicaid and are treated as non-AFDC cases under the IV–D program. See final regulations on providing services in these cases published February 26, 1991 (56 FR 7988). The IV–D agency is required to seek health insurance coverage in these cases in accordance with § 303.31. However, if the custodial parent has satisfactory health insurance coverage or the order requires the absent parent to provide health insurance coverage, the State must review and adjust the order only upon request of the absent or custodial parent.

Definition of Review—Section 303.8(b)(3)

1. Comment: One commenter requested the definition of review be placed with other definitions in § 303.8 for clarity.

Response: We agree that all the definitions pertaining to review should be in one section. Therefore, we have placed the definition of review in § 303.8(a).

2. Comment: Several commenters requested that we not require "complete, accurate, up-to-date" information as part of our definition of review to allow States to impute income to a parent who may be unemployed or underemployed or for whom no income information could be obtained.

Response: We agree with this suggestion and have deleted these terms in the final regulation. "Review" is defined as an objective evaluation of information necessary for application of the guidelines. Income may be imputed to a party by a decisionmaker, when appropriate, and permitted under State law and procedures.

3. Comment: A commenter suggested that review and adjustment be defined as a "legal proceeding before a court or administrative body at which a new support award is determined by engaging in fact-finding to determine those facts necessary for the calculation of a support award under the State's guidelines and determining what the new award shall be". Another commenter suggested that review be defined as an administrative, quasi-judicial or judicial process, with a right of appeal.

Response: We agree with these commenters and have incorporated their concepts in the definition of "review". The definition of "review" is "an objective evaluation, conducted through a proceeding before a court, quasi-judicial process, or administrative body, or agency, of information necessary for application of the State's guidelines for support to determine: (i) the appropriate support award amount, and (ii) the need to provide for the health care needs of the child(ren), through health insurance or other means. The definition is broad enough to allow flexibility concerning where the review takes place to recognize variances in State processes across the country. Therefore, States may decide the appropriate forum for conducting reviews.

Plan for Review and Adjustment—Section 303.8(b)

Written and Publicly Available Plan—Section 303.8(b)(1)

1. Comment: One commenter felt that public availability of the plan for review and adjustment would be too burdensome. Another commenter recommended public input to the State's plan for review and adjustment.

Response: We have reviewed these suggestions and believe it is important for the plan to be available to the public. This requirement need not be burdensome if States publicize where one may go to examine a copy of the State's plan which is available for public inspection. Although there is no requirement to have input, we encourage States to ask for and respond to public comments.

2. Comment: One commenter suggested we maintain the distinction between the State's plan for review and adjustment and the State IV–D plan in the final rule and preamble.

Response: We have maintained the distinction between the State's plan for review and adjustment and the State IV–D plan by noting, as appropriate, the title IV–D State plan or State's plan for review and adjustment.

Commitment of Resources

1. Comment: The proposed regulation required that the plan must "* * * show the commitment of resources necessary to review orders in all IV–D cases upon the request of either parent subject to the order or of a State child support enforcement agency." Numerous commenters asked for a definition of resources and felt that it would be difficult for a State to show the commitment of resources. They pointed out that this requirement is not specified in the Family Support Act nor in any other pertinent regulation.

Response: In response to many comments stressing how difficult it would be for States to show the commitment of resources, we are deleting this proposed requirement. We believe the requirement is unnecessary because existing regulations at § 303.20(c)(5) require States to have an organizational structure and sufficient resources to meet program requirements.

including performance and time standards contained in Federal regulations. This includes adequate resources to establish and adjust support orders.

Targeting Cases for Review

1. Comment: Numerous commenters requested that we delete the proposed requirement that the plan must target cases for review between 1990 and 1993, and modify orders, if appropriate, in IV–D cases in which there is an assignment of support rights to the State because there is no justification for giving priority to public assistance clients over non-public-assistance clients. One commenter asked whether a State plan can specify reviewing only AFDC cases with support orders over 10 years old.

Response: We have deleted this requirement from the final regulation. From October 13, 1990 to October 13, 1993, the IV–D agency may request review in those cases that meet the criteria for review and adjustment under the State's plan. This is consistent with Congressional intent to allow States flexibility during the first three years of review and adjustment of orders. We encourage States to seriously explore and test innovative processes during this period. States should use the period between October 13, 1990 and October 12, 1993 to prepare and plan for more stringent requirements in 1993. However, we strongly encourage States to target for review and adjustment the oldest cases or those cases that seem ripe for review (particularly those in which there is an assignment of support rights to the State) in anticipation of the 1993 requirement that specifies "* * * the order is to reviewed not later than 36 months after the establishment of the order or the most recent review * * *." (See also responses in next section for discussion of the need for States to anticipate impact of reviewing most orders over three years old effective October 13, 1993.)

With respect to reviewing only AFDC cases with support orders over 10 years old, a State's plan for review and adjustment may not exclude large categories of IV–D cases, for example non-AFDC cases, entirely.

Which Orders Must Be Reviewed

1. Comment: One commenter recommended we make clear that the State must initiate a review at the request of either parent only if the case meets the criteria set out in the State's plan.

Response: Effective October 13, 1990, each State is required to have developed and implemented a plan for the review and adjustment of orders. The plan must indicate how and when child support orders in effect in the State are to be reviewed. Between October 13, 1990 and October 12, 1993 each State's plan would specify adequate thresholds, grounds, timeframes or other conditions governing the review and adjustment process in the State. We agree that upon receipt of a request from either parent or the IV–D agency, a decision to review and adjust, if appropriate, must be made based on the State's plan.

While States are given latitude in conducting reviews according to individual State plans between 1990 and 1993, we advise States to consider implementing the 1993 requirements from the very beginning in both statute, where needed, and in the State's plan for review. This would ensure a minimum of disruption from an administrative standpoint, as well as encourage a more rapid implementation of the program changes that Congress envisioned. Between now and 1993, States should plan to review their existing IV–D cases in which support is assigned to the State and the orders will be more than three years old by October 13, 1993. States should anticipate the statutory requirement that, effective October 13, 1993, the State must review and adjust, if appropriate, most orders in AFDC cases which have not been reviewed or modified within the past 36 months. Some States have implemented plans under which the entire AFDC caseload is being reviewed in equal monthly proportions (and opportunity is being given to the parties in non-AFDC cases to request a review) in advance of the October 13, 1993 effective date, so that the number of cases with orders over three years old will be fewer on that date, and more manageable. Advance planning in recognition of the potential impact of, and mandatory requirement for, the periodic review of cases at three-year intervals is a prudent consideration.

2. Comment: Several commenters have requested clarification of the State's responsibilities as of October 13, 1993. They would like to know whether all cases that are 36 months old or older are immediately subject to review on October 13, 1993, if there is an assignment of support rights to the State. These commenters argued that the State merely has to begin a process to review such orders on that date and has until some future date, perhaps 3 years later, to complete reviews on all old orders.

Response: Section 466(a)(10)(B) of the Act specifies "* * * beginning 5 years after enactment of this paragraph or such earlier date as the State may select, the State must implement a process for the periodic review and adjustment of child support orders being enforced under this part under which the order is to be reviewed not later than 36 months after the establishment of the order or the most recent review * * *." The statute requires this review, and adjustment if appropriate, in most AFDC cases but only upon request in non-AFDC cases. Therefore, starting on October 13, 1993, States are required to review child support orders in AFDC cases that are 36 months old or older unless the State determines the review would not be in the best interests of the child and neither parent has requested a review. The statute does not allow States an extended period after 1993 to complete reviews in old orders.

We disagree with commenters that States should be given additional time after 1993 to review and adjust orders over three years old. Congress has given States five years to prepare for the 1993 requirements and did not intend a State to wait a full five years after enactment of the Family Support Act to begin to review old orders. States have considerable advance notice in order to adopt any necessary laws, to anticipate the number of cases potentially needing review when the 36-month requirement becomes effective, and to otherwise address the operational implementation in a meaningful way. Further delay would only result in children being deprived of the appropriate amount of financial and medical support to which they are entitled. Therefore, starting in 1993 is not enough; States should be anticipating the impact of the 1993 date and should be working to reduce the number of old orders which require review. States are strongly urged to begin this process as soon as possible so that it is not too cumbersome a task in 1993.

3. Comment: One commenter asked if the review is to be initiated or completed 36 months after establishment of the order or of the most recent review.

Response: A review must be initiated, not completed, within 36 months after establishment of the order or the most recent review.

4. Comment: Commenters suggested that States be required to adopt criteria that are broad and inclusive, thus ensuring that orders that have never been updated or are very old will automatically qualify; that AFDC and non-AFDC cases be treated the same; and that no category of cases is systematically excluded from review.

Response: States have discretion to establish conditions and circumstances to qualify a case for review in their plan

for review and adjustment. However, they cannot categorically exclude any segment of the caseload, e.g., non-AFDC cases or interstate cases in which there is an order in the State that can be adjusted under State law.

5. Comment: One commenter asked whether the plan can identify circumstances that would not warrant a review. Commenters asked whether a request may be rejecting if it is deemed frivolous. Another commenter noted that the plan adopted by the State should articulate the standards which the State will employ in determining whether an award will be subject to review.

Response: States' plans for review and adjustment must articulate how and when orders in the State will be reviewed. This means the State's plan must address what the process for review and adjustment is, as well as under what circumstances an order will or will not be reviewed and adjusted. Therefore, States should adopt plans for review and adjustment of orders which articulate standards and criteria for rejected requests as frivolous, such as frequent requests where there is no indication of a substantial change in circumstances. If the criteria for review articulated in the State's plan are not met in a particular case in which review has been requested, the State may decline to conduct the review.

6. Comment: The majority of commenters recommended that inconsistency with the guidelines be adequate grounds for adjustments, regardless of whether the order was established under the guidelines, unless the inconsistency is considered negligible under the State's procedures. The commenters argued that the award amount indicated by the guidelines is rebuttable, thereby permitting an opportunity to present additional information that may have been taken into consideration in setting the original award amount.

Response: Section 466(a)(10)(A) of the Act requires that orders be adjusted, as appropriate, according to the State's guidelines. This rule applies regardless of whether or not the original order was established under the State's guidelines. Section 467 of the Act and regulations published on May 15, 1991, at 45 CFR 302.56 require guidelines to be used as a rebuttable presumption in setting all child support awards. We agree that information applied in setting the original order and still relevant may be presented during the review to rebut the amount of support indicated by the guidelines.

Because of the discretion given to the States during the first three years of review and adjustment, we are not mandating that inconsistency with the guidelines be adequate grounds for adjustment between 1990 and 1993. Many State laws require proof of a substantial change in circumstances before adjusting an order and inconsistency with the guidelines would not currently meet that test. States are encouraged to adopt quantitative standards (percentage and/or fixed dollar amounts or both) to determine whether an inconsistency is sufficient to justify an adjustment.

7. Comment: One commenter stated that no guidance is given as to whether and under what circumstances the IV–D agency has an affirmative duty to request a review. The commenter suggested that regulations could further define IV–D agency responsibilities by directing that the IV–D agency request reviews in all cases in which (a) the support rights have been assigned to the State; (b) the IV–D agency determines that the present award is lower than the amount likely to be ordered under the State's guidelines and the difference is not negligible; and (c) the agency determines that said review would be in the best interests of the child.

Response: While we have not specified in this final rule governing 1990–1993 requirements under what circumstances the IV–D agency has an affirmative duty to request a review, we strongly encourage States to include the commenter's suggestions in their plan for review and adjustment. Affirmative, aggressive action during the period prior to October 1993, will ensure an easier transition to the more stringent requirements that become effective at that time.

8. Comment: Several commenters asked how a State documents a review when automatic matches with appropriate databases indicate that modification should not currently be pursued. Another commenter asked whether computer matching of IV–D cases against wage reporting systems, public assistance records, unemployment insurance rolls, etc., constitute a review assuming neither parent requests a review. Another commenter asked how a review is defined when the State initiates an evaluation of cases by applying certain criteria to computer-generated case listings and matches these against other databases. Several commenters questioned whether notices need to be sent to parties where pre-screening indicates that no modification would be warranted under the State's guidelines.

Response: There is no requirement for pre-screening or pre-review, but States may place pre-screening procedures in their plans for review and adjustment. These pre-screening procedures may identify cases with low potential for adjustment. A State's plan between 1990 and 1993 establishes under what circumstances a review will be conducted. A State is not required to review orders absent a request for a review by a parent or IV–D agency between 1990 and 1993 unless its plan requires it to do so.

Some States, however, are reviewing cases whether or not there is a request. This is especially worthwhile in AFDC cases given the requirement for review of most orders in AFDC cases which is effective October 13, 1993. However, regardless of the basis for review, States should not rely solely on computer matching to conduct a review as it may not ensure up-to-date, complete and accurate information necessary to apply the State's guidelines. In conducting a review, it may be necessary to obtain information from the parties, in addition to use of the automated resources.

Oregon, in its final report on the review and adjustment demonstration project, determined that disposition of cases using their Partial Automated Review (PAR) procedure often took longer and was more labor intensive. Experience showed that the new award amounts computed by PAR after accessing automated data sources were frequently based on incomplete data as to earnings or allowable deductions. Accordingly, the parents usually submitted additional information so that a new calculation had to be performed. Moreover, the preliminary results obtained under PAR created false expectations in many situations, with the consequence that staff time was consumed in responding to parents' complaints when the final result was lower or higher than expected.

It is important to recognize the distinction between review and "pre-screening". Pre-screening of cases against automated records in accordance with the State's review and adjustment plan to determine whether a case qualifies for a review is appropriate. However, pre-screening does not meet the definition of a review as specified in § 303.8(a)(3). Therefore, a complete review must be conducted if a case meets the conditions for review under a State's review and adjustment plan. Otherwise, the specification in the statute that a review will produce a determination that an order should be adjusted or that no change is necessary would not be met. The advance notice is only required if a review is to be conducted.

9. Comment: Some commenters had concerns about the use of pro se

processes. One commenter recommended that we clearly state in regulations that a State is not required to review and adjust an order if the parties elect to proceed on their own, either pro se or with a private attorney. Another commenter asked whether the requesting party can proceed with a pro se action without the IV–D agency being involved. Commenters questioned whether the agency can recommend use of a pro se process if the case does not meet the criteria for modification but a parent insists it take place.

Response: Establishing pro se processes for seeking adjustments to orders simplifies the process and ensures access to reviews for anyone who may seek an adjustment. If a party elects to proceed on their own behalf, either pro se or through private counsel, the State is not required to review the order or seek an adjustment. Pro se kits can be offered when a request for review and adjustment does not meet the State's criteria for review under its review and adjustment plan. At least one State which utilizes an administrative review and adjustment process has a pro se "do it yourself" kit for court adjustment of orders. This kit is provided to requestors in cases which the IV–D agency has deemed through a preliminary review do not meet the criteria for review under the State's plan. In addition, the kit is provided to: (1) Requestors who the agency deemed do not qualify for a review, (2) those who meet the agency criteria but prefer court review, (3) those whose change in income is the reason for the request but recomputation using the guidelines does not meet the required minimum threshold for adjustment, (4) those requestors who claim a special circumstance requiring court determination, and (5) those cases in which the agency finding is disputed and cannot be resolved through supervisory review. The State's forum for pro se adjustment can be judicial, administrative or a combination of the two.

Advance Notice of Review—Section 303.8(b)(2)(iii)

1. Comment: Numerous commenters indicated confusion as to who is entitled to an advance notice of review. One commenter suggested having different types of notices required when one party to a case requests a review as compared to when the State initiates a review. Another commenter recommended that each parent be notified of a review.

Response: The State must notify each parent of a review regardless of whether one or both of the parties requested the review or the state initiated the review. One form of notice can be used whether a parent, both parents, or the State makes the request for review.

2. Comment: One commenter asked if the purpose of the 30-day advance notice is to advise the parties that a review which could result in modification with be conducted; or to advise the parties that a completed review indicates a modification is appropriate. In addition, this commenter also wanted to know if this means that the review cannot be conducted until the 30-day period expires.

Response: The purpose of the 30-day advance notice required under § 303.8(b)(2)(iii) is to advise the parties that a review will be conducted and to give them an opportunity to submit pertinent information. Generally, as required by the statute, the review cannot be conducted until the 30 days expire. However, the parties may jointly agree to waive this 30 day requirement. Following a review, another notice is required under § 303.8(b)(2)(v) advising each parent of any adjustment or determination that there should be no change in the child support award amount and of each parent's right to initiate proceedings to challenge the adjustment or determination within at least 30 calendar days after the date of the notice.

3. Comment: There were several comments on notifying parents of the likely outcome of the review in the advance notice. One commenter requested the parents be notified in the advance notice of review of: (1) The amount of the proposed adjustment, (2) a date by which a party must note an objection, (3) the date and time of the proceeding and (4) the adjustment or determination that there should be no change.

Response: Because the review has not taken place, the advance notice of review required under § 303.8(b)(2)(iii) should not include the amount of the proposed adjustment or date by which a party must note an objection. (See earlier discussion about the results of the Oregon demonstration project's Partial Automated Review and notice to parents.) The notice should include details about when and where the review will take place, as well as any necessary information the parties must provide the State. The proposed adjustment or determination that there should be no change in the order and date by which objections can be made are specified in the notice to the parties required under § 303.8(b)(2)(v) which is provided after the review is completed.

4. Comment: Several commenters inquired about providing advance notice and subsequent reviews of support orders to parents who had not been located. They asked whether the State can forward the notice to the last address of record.

Response: Generally, notices cannot be sent to individuals whom the State is unable to locate. However, if permitted by State due process requirements, notices by publication or by mailing to the last known address of record may be used. If a party to an order cannot be located, the State may be unable to secure information necessary to conduct the review. If the State cannot proceed with the review because of inadequate information, the case file should be documented and no review would be required until location efforts required under § 303.3 are successful.

5. Comment: Several commenters asked for clarification about whether the requirement to notify parties of a proposed review is satisfied by sending the parties copies of a legal pleading such as a complaint or petition to modify or an administrative notice of review.

Response: Sending the parties copies of the complaint or petition to adjust the order will satisfy the requirement to provide advance notice of a review if the copies are sent 30 days before the complaint or petition is heard.

6. Comment: One commenter asked us to remove the requirement to wait 30 days before initiating the review after sending the advance notice so that the review could be commenced immediately upon selection of the case.

Response: The 30-day advance notice is mandated by statute and cannot be deleted. In addition, 30 days allows adequate time to gather information necessary to conduct the review. However, as indicated previously, parties may jointly stipulate to a waiver of the 30 day requirement.

7. Comment: There was an inquiry as to whether the notice requirement applies in AFDC and foster care cases.

Response: Section 303.8(b)(2)(iii) requires States to send advance notice to "notify each parent subject to a child support order in effect in the State of any review of the order at least 30 calendar days before commencement of the review" in *any* IV–D case in which an order is to be reviewed.

Requiring Parents to Provide Necessary Information

1. Comment: Several commenters recommended that we require that support orders require parties to the order to provide information necessary

to conduct a review. Another commenter felt it is unreasonable to assume tat either party will provide the necessary information. There were questions concerning safeguarding of shared information.

Response: A State may require in its advance notice that each party provide specified information necessary to conduct the review. States are also permitted and encouraged to make the provision of information a requirement in the support order. States must make every effort to obtain and use information necessary to apply the State's guidelines. States should attempt to secure the necessary information by accessing employment security or other records rather than relying totally on the parties to provide the information. With respect to concerns about safeguarding of shared information under § 303.21(a)(1), the use or disclosure of information concerning applicants or recipients of support enforcement services is limited to the purposes directly connected with the administration of the plan or program for Child Support Enforcement and AFDC programs, among others.

2. Comment: One commenter asked us to clarify that requests for information to accomplish the review be sent at the same time as the notice of review.

Response: We encourage the States to request specific information needed to accomplish the review in the advance notice of review.

3. Comment: A number of commenters raised concerns about financial information. One commenter asked that we define the income verification process, whether the parents can be provided with court-approved financial affidavits and if wage reporting information can be required to be verified with the payor prior to review. One commenter asked whether sending financial statements is sufficient advance notice of a review. In addition, they asked whether a review may commence if all documentation is received before the 30-day period expires.

Response: The State may send financial statements to be completed by parties as part of the advance notice of review. However, the parties must be notified that a review will take place 30 days following the notice. With respect to starting the review as soon as all information is received, section 466(a)(10)(C)(i) of the Act requires States to notify the parties 30 days before commencing the review. Therefore, the State must wait the full 30 days before starting the review unless the parties jointly agree to waive the requirement. The necessity and extent of income verification is determined according to State standards and guidelines.

4. Comment: A commenter asked us to require States to adopt laws granting IV–D agencies administrative subpoena power.

Response: We are not requiring States to enact such laws in this rule because of the flexibility given States by the Congress to develop processes for review and adjustment over the 1990–1993 period. However, we encourage them to do so as a means of improving their ability to obtain information. One of the demonstration States, Illinois, found legislation enacted giving subpoena power to the administrative agency to be very beneficial. The Illinois IV–D agency reports that the information gained from employers is useful not only in assessing the financial status of the responsible relative, but also in updating addresses and locating the absent parent. The use of administrative subpoena power has reduced delays in the filing of motions as the legal representatives do not have to wait for additional evidence to support their findings. In Colorado, another demonstration State, the IV–D agency issues administrative subpoenas to any obligor who fails to return an affidavit for child support issued with the initial notice. The administrative subpoenas require the non-responding parties to bring the requested financial information to an adjustment hearing at the IV–D office. Obligors who fail to respond to the administrative subpoena may be served with a motion to compel, which requires a court appearance. Because information on the financial situation of both parents is necessary for application of Colorado guidelines, administrative subpoenas may also be served upon non-AFDC obligees who fail to return affidavits.

Post-Review Notice of Results and Right to Challenge—Section 303.8(b)(2)(v)

1. Comment: One commenter felt 30 days to challenge the adjustment or determination that there should be no adjustment is an unnecessary and time consuming step. Another commenter recommended allowing 30 days to appeal the decision.

Response: This requirement is mandated by section 466(a)(10)(C) of the Act. States are required to notify each parent "of a proposed adjustment (or determination that there should be no change) in the child support award amount and (that) such parent is afforded not less than 30 days after such notification to initiate proceedings to challenge such adjustment (or determination)."

2. Comment: One commenter asked if the notice of results of the review could be an order of a referee, a recommendation of a mediator, or an administrative finding subject to judicial review, rather than a letter without legal impact.

Response: Any of these alternatives are acceptable, if they are acceptable under the State's law and procedures.

3. Comment: One commenter inquired how the post-review notice requirement relates to the right to appeal when review is conducted in a judicial setting. The commenter felt that the proposed regulation was written in such a way that the court notification cannot substitute for IV–D notice as the court will not "propose" a modification.

Response: The post-review notice is to inform each parent of the result of the review and the right of each parent to challenge the adjustment or determination, not to adjust by initiating proceedings within at least 30 calendar days after the notice. In jurisdictions that permit "de novo" review in these instances, the parties may present additional information at the hearing or appeal. The post-review requirement can be met by States with traditional judicial processes as long as any party to the order has not less than 30 days to challenge the determination. Since we believe appeal of a decision meets the intent of Congress, § 303.8(b)(2)(v) refers to any adjustment to the order. Our change is to minimize any duplication of, or delay in, the process as long as an individual's due process rights are protected.

4. Comment: One commenter suggested the challenge occur within the modification process to eliminate some of the duplicate notices, waiting periods, and guessing about what the court will do.

Response: While objections can be raised and supporting evidence offered during the process, a challenge to the finding by the decisionmaker cannot be raised until the results are reported to the parents. Upon notice of the results, either or both parents may decide to challenge the results.

5. Comment: A commenter asked if the regulations need to specify whether the challenge to the review is to be heard through an administrative or judicial process or whether it is up to the State.

Response: States have discretion and authority to designate the appropriate forum for hearing challenges to adjustments or determinations that there be no adjustment to the order.

Miscellaneous Questions on the Audit and Interstate Process

1. Comment: One commenter asked whether a State would be subject to an audit exception if, following the criteria in the State's plan for review and adjustment, the State rejects a frivolous request for review.

Response: The State would not be subject to an audit exception if it follows its plan's criteria for review and adjustment of orders.

2. Comment: One commenter asked how States will be audited against the 1990 review and adjustment requirements.

Response: The States will be audited to determine if they are in substantial compliance with requirements for review and adjustment or orders effective October 13, 1990, in accordance with the requirements of § 303.8, and the State's plan for review and adjustment established in accordance with § 303.8.

3. Comment: Numerous comments were made regarding the need for explicit guidance and requirements governing interstate processing of review and adjustment requests.

Response: Because of the complexities of interstate review and adjustment and State flexibility with respect to review and adjustment between 1990 and 1993, we are allowing States to determine how best to perform review and adjustment in interstate cases for those three years but will address specific interstate case processing requirements beginning October 13, 1993, under separate rule.

Between October 13, 1990 and October 12, 1993, the States must have established State plans for review and adjustment and implement and follow these plans. Interstate cases must be processed according to the requirements of § 303.7. If an initiating State sends a request for review and adjustment to the responding State, the responding State must decide if the review is appropriate in accordance with its plan for review and must adjust the order if appropriate and permitted under its State law.

III. Immediate Income Withholding

Section 303.100—Wage or Income Withholding

General Withholding Requirements

1. Comment: One commenter asked that we clarify that the wage withholding requirements apply to spousal support when such support is included in the child support order being enforced by the State.

Response: Spousal support must be withheld in cases where such support is included in the child support order being enforced under the title IV–D State plan.

2. Comment: Section 303.100(a)(2) requires that, in addition to the amount withheld to pay the current month's obligation, the amount to be withheld must include an amount to be applied toward liquidation of overdue support. A commenter claimed that this requirement will pose problems for States because of requirements for presumptive guidelines at 45 CFR 302.56. The commenter was concerned that judges may be encouraged to determine the amount of the obligation according to the guidelines, but then allocate a portion of that amount to be applied to overdue support, thereby reducing the amount available for current support.

Response: Neither the wage withholding requirements of this section nor the presumptive guidelines requirements at 45 CFR 302.56 support this interpretation. Guidelines are used to determine the underlying obligation, not the payment schedule. The total amount to be withheld to satisfy current and overdue support is subject to limitations contained in paragraph (a)(3) regarding maximum amounts allowed under the Consumer Credit Protection Act (CCPA). In any case, amounts withheld must be used first to satisfy current support, and any additional amounts applied to satisfy arrearages. The presumptive guidelines should not be used as either a basis or a limit for determining the amount to be withheld to satisfy arrearages.

3. *Comment:* One commenter asked that we define overdue support for purposes of wage withholding. This commenter was concerned that in some paternity cases the initial support award contains, in addition to current support, a support debt for a prior period, and should not be considered arrearages for purposes of wage withholding.

Response: Section 301.1 defines overdue support as a delinquency pursuant to an obligation determined under a court order or established under State law. A support debt created for a prior period in an initial support order entered prior to November 1, 1990, would not meet the conditions established in § 303.100(c)(1) as an arrearage qualifying for triggering initiated withholding, since this amount would not reflect payments which the absent parent failed to make under a support order, i.e., payments which accrued pursuant to a support order and which were not paid timely. In cases of immediate withholding under § 303.100(b), an amount applied to reduce this debt may be included in the total amount to be withheld. However, the existence of such a support debt would not preclude the obligor from meeting the requirements for good cause or an alternative arrangement under paragraphs (b)(1)(i) and (ii) if the order requires an amount to be paid periodically toward liquidation of the debt.

4. *Comment:* One commenter asked that paragraph (a)(3), limiting withheld amounts to the limits imposed by the CCPA, be cross-referenced with paragraph (a)(9) allowing States to extend withholding to income other than wages.

Response: We did not revise paragraph (a)(9) as requested because the CCPA limits under 15 U.S.C. 1673(b) apply only to periodic payment of compensation for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, including periodic payments pursuant to a pension or retirement program, and including payments under title II of the Social Security Act for disability, since those payments are based on coverage earned through wages or salaries. Some States may extend withholding to other forms of income (State lottery winnings, dividend payments, etc.) which do not fall within the CCPA definition of compensation for personal service and would therefore not be subject to the CCPA limits.

5. *Comment:* A commenter asked that we clarify the requirement in paragraph (a)(4) that withholding must occur without the need for any amendment to the order involved or any other action by the court or entity that issued it, since provisions under this section may require hearings on mistakes of fact at paragraph (e) or where a State requires the court or administrative entity to reverse a good cause finding.

Response: We agree, and have added the phrase "other than that required or permitted under this section" to the end of paragraph (4). For example, a return to court may be appropriate or necessary to reverse a good cause finding, cancel an alternative arrangement, or implement withholding upon the custodial parent's request if the triggering arrearage has not been met. In cases of triggered withholding, returning to court to amend the underlying support order to provide for withholding is explicitly prohibited. As we stated previously in response to comments in the final rule on implementation of the Child Support Amendments of 1984 (50 FR 19623), the requirement at 466(b)(2) of the Act does not rule out a judge signing a withholding order, if this process does not involve a hearing or a court appearance.

6. *Comment:* A number of commenters responded to the proposed change in paragraph (a)(5), that, in cases where there is more than one notice for withholding, the State must allocate amounts available, but in no case shall allocation result in withholding not being implemented for one of the families. Several commenters felt that the proposed change was not specific enough and that it would not remedy the problem of unequal or unfair allocations adequately. A commenter pointed out that a State could satisfy this requirement by allocating a token amount (one dollar) in withholding for one of the families involved. Some commenters wanted the language to require the court or administrative authority which issued the support order(s) to allocate amounts, not the IV–D agency. Other commenters felt that any change to the former requirement, which allowed States to allocate according to their own criteria, would further complicate an allocation process already misunderstood by many families. Some commenters felt that allocation was an insurmountable problem at this time and should not be regulated until further study. Finally, one commenter insisted that this allocation policy could result, in situations where an absent parent has two obligations only one of which is for current support, in the family with the order for current support receiving the entire allocation and the other family none.

Response: We believe that the clarification in paragraph (a)(5), which will ensure that allocation will result in each family benefiting from withholding, reasonably addresses the problem. We do not agree this clarification complicates allocation or that a State would allocate a token amount to a family. We agree that, in giving current support a priority, in some cases an allocation by the IV–D agency will result in withholding not being implemented for the family which is owed arrearages only. However, other enforcement tools such as Federal and State income tax refund offset are available.

7. *Comment:* Many commenters strongly objected to the proposed language in paragraph (a)(7)(ii) that withholding could be terminated when the absent parent requests termination, withholding has not been terminated previously and subsequently initiated, and the absent parent meets the conditions for an alternative arrangement. Many commenters felt that withholding should only be terminated according to paragraph (a)(7)(i), i.e., when there is no longer a current order for support and all arrearages have been satisfied. Several commenters also felt that allowing termination for any other reason would be contrary to the intent of Congress in establishing immediate withholding. Other commenters objected to allowing the absent parent to request termination, noting that terminating withholding would never be consistent with the best interests of the child. Several commenters claimed that termination procedures would be administratively burdensome, requiring costly staff time to deal with requests and additional staff time to re-apply withholding when arrearages subsequently occurred. Other commenters claimed that States had in many cases already restricted termination based on assurances by Congress that immediate and constant wage withholding are the best way to assure payments and protect the well being of children. Some commenters expressed their concern that, if a subsequent alternative arrangement is allowed, some absent parents would subject custodial parents to undue pressure. One commenter pointed out that in its State 50 percent of all collections are through wage withholding and that 75 percent of all obligors eventually accrue arrearages. Another commenter felt that if the custodial and absent parents wanted termination after implementation of withholding, the IV–D case should be closed. One commenter asked that a good cause finding be added to the criteria for termination.

Response: In response to these comments, we have provided that States who believe that termination of immediate withholding should be restricted have the authority to do so. Paragraph (a)(7)(i) now requires that, for all cases, the State must have procedures for promptly terminating withholding when there is no longer a current order for support and all arrearages have been satisfied. States who wish to afford the absent parent the added opportunity to request termination at an earlier date have the option at paragraph (a)(7)(ii) to provide for this if withholding has not been terminated previously and subsequently initiated and the absent parent meets the conditions for an alternate arrangement set forth under paragraph (b)(3). We agree that States who expressed concerns regarding the termination of withholding, the subsequent occurrence of future delinquencies, and the unavoidable administrative burden if arrearages again occur, should have the authority to limit termination, if they so choose.

8. *Comment:* Several commenters objected to the requirement at paragraph (a)(8) that the State have procedures for promptly refunding to absent parents amounts which have been improperly withheld. One commenter asked that we make clear that this referred only to withheld amounts retained by the State, since if it were otherwise, the State would have to recoup the overpayment from the custodial parent. Another commenter asked that this "new" requirement be deleted, since if withheld amounts have been passed on to the custodial parent, the absent parent should pursue reimbursement from the custodial parent. This commenter felt it would be administratively burdensome to the State and the absent parent should use remedies under State law. Another commenter suggested that it would be administratively simpler to allow the IV–D agency to credit the absent parent's account.

Response: This is not a new requirement; it is a restatement of former paragraph (a)(10). This provision does not refer only to withheld amounts retained by the State. Any amounts improperly withheld, even if they have been sent to the custodial parent, must be promptly refunded by the State to the absent parent. Subsequent to the refund, the State may attempt to recover any amounts sent to the custodial parent. Federal funding is not available under 45 CFR 304.20 for these refunds. OMB Circular A–87 precludes Federal funding for "any loss arising from uncollectible accounts and other claims and related costs." However, this does not preclude the State from negotiating directly with the absent parent under State law to apply the refund to other arrearages or future support.

Immediate Withholding

1. *Comment:* Several commenters objected to the provisions establishing exceptions to immediate withholding which were set forth in paragraphs (b)(1) and (2). These commenters felt that the provisions for good cause and for alternative arrangements would not meet the goal of immediate withholding for all cases and would be administratively burdensome to States.

Response: The provisions for good cause and alternative arrangements are mandated by the statute at section 466(b)(3)(A) of the Act. However, as stated in the preamble to the proposed rule, we are aware that some States have laws and procedures which do not allow exceptions to immediate withholding for good cause and/or alternative arrangements. States have

the option of applying for an exemption from these provisions in accordance with regulations at 45 CFR 302.70(d) and program instructions at OCSE–AT–88–12 dated December 12, 1988 if they can demonstrate that the enactment of these requirements would not increase the effectiveness and efficiency of the State Child Support Enforcement Program.

2. *Comment:* A number of commenters responded to our solicitation of comments on whether the establishment of escrow accounts should be included as conditions for good cause and/or alternative arrangements. Most favored requiring escrow accounts in the amount equal to the support payable for two months as a condition for both a finding of good cause and for an alternative arrangement. One commenter urged that the escrow account be for an amount equal to one year's support. Another commenter recommended either an escrow account or a form of electronic funds transfer as an alternative requirement. Several commenters stated that such a requirement would ensure that the family would continue to receive support upon a default in payment. One commenter suggested that escrow accounts be allowed as an option.

Response: Although many commenters advocated requiring escrow accounts in an amount equal to the support payable for two months as a condition for both a finding of good cause and an alternative arrangement, we have not mandated escrow accounts because there is no evidence of the need for Federal regulation in this regard. Federal regulations at 45 CFR 303.103 already require States to have in effect and use procedures which require that absent parents post security, bond or give some other guarantee to secure support in appropriate cases. Certainly, States who believe this to be a valuable tool may require an escrow account as a means to ensure that funds are available should the obligor become delinquent.

3. *Comment:* One commenter pointed out that the proposed requirements that the absent parent agree to keep the IV-D agency apprised of his or her current employer and information on any employment related health insurance coverage at paragraphs (b)(2)(iii) and (b)(3) for good cause and alternative arrangements, respectively, were duplicative of the requirement at paragraph (a)(10) for all withholding orders.

Response: We agree, and have eliminated these provisions from paragraphs (b)(2) and (3).

4. *Comment:* One commenter asked if the conditions for reaching a determination of good cause contained in paragraphs (b)(2)(i), and (ii) must both be met, or if the phrase "at least" meant that meeting one of the conditions was sufficient for a finding of good cause.

Response: Both remaining conditions must be met as the minimum criteria for a finding of good cause.

5. *Comment:* One commenter recommended that there would be other reasons for allowing good cause beyond the best interest of the child, such as extraordinary hardship on the obligor.

Response: The provisions of paragraph (b)(2) are minimum requirements, and States may establish criteria in addition to those set forth in this rule. However, we do not believe that an automatic withholding of support from an obligor's wages should constitute an extraordinary hardship.

6. *Comment:* Several commenters claimed that the establishment of a definition for good cause was an abuse of regulatory authority and that alternatively, courts should be required to provide written justifications of their good cause findings.

Response: Although the statute did not define good cause, we have used our authority under section 1102 of the Act to set these requirements because we believe that Congress intended that immediate withholding would be implemented in most cases.

7. *Comment:* We received many comments in response to our solicitation of views regarding whether the State should be a required party, rather than a party at State option, to any alternative arrangement between the absent and custodial parents in an IV–D case in which there is an assignment of support rights to the State. Several commenters felt that the State should be a required party in all IV–D cases, not just those in which support rights have been assigned. These commenters were concerned that it would be unlikely for any alternate arrangement to be in the best interest of a child and that State oversight was needed. One commenter favored the State being a required party in all cases because of the administrative burden caused by subsequent delinquencies. Another commenter asked that the States not be precluded from being a required party to an alternate agreement in any IV–D case because there should be no distinction between cases with assigned support and those without. Some commenters recommended that the State be a required party only in AFDC cases where both the State and the Federal governments had a vested interest in securing support for those in need of public assistance. A number of commenters favored the language in the proposed rule, allowing the State to be a required party to any alternate arrangement at State option in cases in which there is an assignment of support rights. One commenter asked if the phrase "at State option" meant that the option would allow individual county jurisdictions within the State to exercise or not to exercise the option.

Response: The final rule retains the language in the proposed rule allowing States the option of requiring the State to be a party to a written alternate arrangement in cases in which there is an assignment of support rights to the State. Since opinions on this issue varied so greatly, we believe that States should be allowed the flexibility to choose the best approach. Any State which believes it is essential for the State to be a party in any case involving assigned support may so require under this option. If a State chooses to exercise this option, it may establish procedures which allow local jurisdictions discretion for State involvement based on the circumstances of the case.

8. *Comment:* Several commenters asked for clarification of the requirement that the written agreement be reviewed and entered by the court or administrative authority. Several commenters wanted the final rule to explicitly require that the court have the authority to approve the written agreement and not to enter agreements found to be inappropriate. Other commenters were concerned that the court or administrative authority could substitute its judgment for that of the parties if the review included approval authority. These commenters urged that the final rule specify that the court or administrative authority could not disapprove alternative agreements.

Response: The statute at section 466(b)(3)(A) clearly requires the court or administrative authority to determine whether good cause not to implement withholding exists. The statute does not create a similar role for the court or administrative authority with respect to written agreements for alternative arrangements. We have used our regulatory authority only to require the court or administrative authority in these cases to review and enter such agreements in the record.

Initiated Wage Withholding

1. *Comment:* One commenter requested that the definition of payments which the absent parent has failed to make at paragraph (c)(1) be based on the absent parent's established payment schedule (i.e., weekly, biweekly or monthly payments). This commenter reasoned that withholding

should be initiated if the absent parent missed any one payment.

Response: Section 466(b)(3)(B) of the Act requires that, in cases not subject to immediate withholding, the wages of an absent parent shall become subject to withholding on the date on which payments which the absent parent has failed to make are at least equal to the support payable for one month. The requirement is based on the amount which is owed, not when it is due. However, the statute at section 466(b)(3)(B)(iii) allows States to establish an earlier triggering date if they so choose.

2. *Comment:* Another commenter asked that the regulations should make provisions for potential changes in States' laws which may allow violations of visitation agreements to trigger withholding.

Response: Matters pertaining to visitation and custody are separate from support and should not be used to trigger withholding. Withholding should not be used as a punitive measure, particularly for reasons which do not relate to child support.

3. *Comment:* We received many comments regarding paragraph (c)(1)(ii) which requires that, in cases not subject to immediate withholding, withholding be implemented on the date the custodial parent requests that withholding begin, if the State determines, under such procedures and standards as it may establish, the request should be approved. Several commenters stated that the custodial parent should not be allowed to request withholding if the absent parent had not accrued a qualifying arrearage. One commenter stated that such a provision was inconsistent with the requirements for advance notice to the absent parent when arrearages occur. Another commenter claimed that this provision could be used by the custodial parent to harass the absent parent. One commenter questioned why a State would implement withholding if the case is not before the court for modification or there is no arrearage. Another commenter felt that this provision would add to the enforcement tools available under title IV–D and would provide a bridge between the former withholding requirements and those mandated through immediate withholding for those cases which have support orders entered before November 1, 1990. This commenter recommended that the provision be further strengthened by specifying that, for cases in which support rights had been assigned to the State, the State may request that withholding be implemented.

Response: Section 466(b)(3)(B)(ii) of the Act explicitly requires withholding to be triggered, without regard to whether there is an arrearage, on the date the custodial parent requests it, if the State determines, in accordance with such procedures and standards as it may establish, that the request should be approved. Therefore, States must establish procedures which specify the circumstances in which a custodial parent request for withholding will be granted in cases not subject to immediate withholding and in which the 30 day triggering arrearage has not been met. If the State determines that withholding will be implemented under those procedures, the absent parent must be given advance notice of the withholding in accordance with paragraphs (c)(2) and (d)(1). Moreover, the procedures and standards adopted by the State for approving the custodial parent's request should prevent harassment.

In establishing its procedures, a State should consider whether it is appropriate to require further action by the court for cases in which there has been a determination of good cause not to implement immediate wage withholding, an alternative arrangement exists or an order was established or modified prior to November 1, 1990. For example, a State could opt to remove the good cause determination or negate an alternative arrangement before withholding is initiated. Although we encourage States to adopt simple administrative procedures to ensure the timely initiation of custodial parent requests, we believe that States should also ensure that their procedures extend appropriate protections to the non-custodial parent as well.

Advance Notice to the Absent Parent in Initiated Withholding

1. *Comment:* The majority of commenters were concerned that the requirement that the State send the advance notice to the absent parent within 5 working days of the appropriate date under paragraph (c)(1) was unrealistic. Several commenters suggested that a 15 working day timeframe was more feasible, while other commenters were in favor of 10 working days. Another commenter stated that the 5 day timeframe could only be met when all State support enforcement programs are fully automated. One commenter felt that establishing any timeframe for this requirement violated the statutory mandate which provides that the wages of an absent parent become subject to withholding on the appropriate date identified in paragraph (c)(1). A commenter also pointed out that advance notice to the absent parent was not necessary in cases where the absent parent had requested withholding.

Response: We agree that the proposed 5 working day timeframe was too stringent. Consequently, we have changed the timeframe for sending the notice of withholding to the absent parent to within 15 calendar days of the appropriate date in paragraph (c)(1) which requires initiated withholding under certain conditions in cases where the wages of an absent parent are not subject to immediate withholding. Although the statute requires that the wages of an absent parent become subject to withholding on the date identified in paragraph (c)(1), we realize that it is unrealistic to expect that the notice be sent on that date, although it is clear that the State must have in effect procedures which identify the date when an action takes place which triggers withholding.

The former regulations for withholding at § 303.100(a)(4) addressed this issue by requiring that the State take steps to implement withholding on the appropriate date. We believe that the most realistic approach to ensuring that timely action takes place is to establish measurable timeframes for this requirement. The revised requirements at section 466(b) of the Act eliminated the requirement that advance notice be sent to the absent parent on the day wages become subject to withholding. Because Congress deleted this requirement, it is reasonable to allow States time to send the notice. Moreover, the 15 calendar day timeframe parallels several other requirements under regulations for program standards in 45 CFR part 303.

Finally, we agree with the comment that it is unnecessary for the advance notice to be sent to the absent parent when the absent parent has requested that withholding be implemented. Moreover, we would point out that notice of withholding is not required in cases subject to immediate withholding or in interstate cases in which the absent parent has previously received notice of withholding.

2. *Comment*: One commenter asked if the requirement at proposed paragraph (c)(2), that the State must send advance notice to the absent parent within 5 working days of the appropriate date under paragraph (c)(1) if the absent parent's address is known or, if not known, within 5 days of location, referred to obtaining an address or verifying that the absent parent is at the location.

Response: The extent and specifics of verification procedures are left to the States. The State must ensure the absent parent's due process rights under State law are protected.

3. *Comment*: A number of commenters were concerned that the requirement at

proposed paragraph (c)(3), providing that in cases where there has been a finding of good cause, withholding not be implemented upon request of the custodial parent under paragraph (c)(1)(ii) until the finding had been reversed, was unauthorized by the statute. One commenter asked that the regulation should specify that the support order require that a good cause finding ceases only upon a qualifying delinquency. Another commenter claimed that reopening a good cause finding would result in a misuse of the State's resources.

Response: We have eliminated the specific regulatory provision that a good cause finding must be reversed before the custodial parent's request for withholding can be approved. We recognize that the statute provides both for a good cause exemption from immediate wage withholding and for custodial parents to initiate wage withholding by request without providing guidance on which provision takes precedence. However, the law does require that States must have in place procedures to review and approve, if appropriate under their procedures and standards, a custodial parent's request. Therefore, we believe that States are in the best position to determine the circumstances under which a custodial parent's request will be approved. We urge that States consider the issue of removal of good cause determination when they develop their review procedures, but will not require that it specifically be included in their procedures.

4. *Comment:* One commenter recommended that proposed paragraph (c)(4), providing that the only basis for contesting a withholding is a mistake of fact, be changed to require that if the amount of current or overdue support is at issue, the court should be required to modify the support order to reflect the correct amount of support or arrearages and issue the withholding notice rather than requiring an additional hearing on a claimed mistake of fact.

Response: This is a restatement of former language at § 303.100(a)(4). Section 466(b)(2) of the Act requires that withholding must occur without the need for any amendment to the support order involved or for any further action, other than those required under section 466, by the court or administrative authority which issued the support order. Any State law or procedure (other than to reverse a determination of good cause, cancel an alternative arrangement or implement withholding at the custodial parent's request) which requires a return to court in order to implement withholding is contrary to this requirement.

Procedures When the Absent Parent Contests Initiated Withholding

1. *Comment:* One commenter asked that the final regulation provide that the State procedures required at paragraph (e) when the absent parent contests initiated withholding include the right of the custodial parent to contest any claims.

Response: While we have not required such procedures to include the custodial parent's right to contest the claim, any procedure conducted pursuant to paragraph (e) with respect to a claim that there is a mistake of fact should provide an opportunity for all relevant evidence to be presented, including evidence from the custodial parent.

Notice to the Employer for Immediate and Initiated Withholding

1. *Comment:* One commenter asked if the provision at paragraph (f)(1)(ii), requiring the employer report to the State the date on which an amount was withheld, was intended to establish the date of collection for purposes of distribution or the initial date of receipt for meeting program standards timeframes.

Response: The date the wages were withheld establishes the date of collection for distribution purposes at 45 CFR 302.51; it is not used as the initial date of receipt in the State, which starts measurement of the timeframe within which support must be sent to the family under requirements at 45 CFR 302.32. Provisions at 45 CFR 302.51(a)(4) require that, with respect to payments made through wage or other income withholding and received by the IV–D agency on or after January 1, 1989, the date of collection for distribution purposes in all IV–D cases must be the date of withholding. If the employer fails to report the date of withholding, the IV–D agency must reconstruct that date by contacting the employer or comparing actual amounts collected with the pay schedule specified in the court or administrative order.

2. *Comment:* One commenter recommended that the requirement at paragraph (f)(1)(ii) that the employer send amounts withheld to the State within 10 working days be changed to 30 calendar days. This commenter maintained that since the statute at section 466(b)(6)(B) requires that methods must be established by the State to simplify the withholding process, and employers find it simpler to send one monthly payment, the timeframe should be extended.

Response: The 10-day requirement has been in effect since May 18, 1985. We believe that to extend this timeframe would be inconsistent with Congressional intent that support collected be expeditiously distributed.

3. *Comment:* We received several comments objecting to the proposed requirement at paragraph (f)(1)(xi) that the notice to the employer must indicate that the absent parent is required under a support order to provide health insurance coverage. One commenter stated that such a requirement would involve both the IV–D agency and the employer in a meaningless task, since, if the obligor does not sign up for coverage, the employer has no authority to compel enrollment. Another commenter pointed out that the IV–D agency is required to enforce health insurance requirements in support orders. One commenter pointed out that the IV–D agency had no authority to require employers to take action based on the information provided and such information would not assist the employer in complying with the withholding order. Another commenter felt that the requirement needed strengthening and should be amended to require the employer to report quarterly the obligor's insurance company name, policy number and dependents covered.

Response: We agree that this proposed requirement will not assist in enforcing health insurance requirements and have deleted it from the final rule. However, States with such authority, including Minnesota, Washington and Iowa, may provide such language in their notice to the employer. In addition, States at their discretion may choose to require employers to provide quarterly reports of the obligor's insurance company's name, policy number and dependents covered. In addition, Oregon has already moved in this direction through a modification of quarterly employer reporting for employment security purposes.

4. *Comment:* A number of commenters objected to the requirement at proposed paragraph (f)(2) that in a case of immediate wage withholding the State must issue the notice to the employer within 5 working days of the effective date of the order, or of locating the absent parent. Some commenters argued that the 5 day requirement was not realistic in light of administrative factors beyond the IV–D agency's control. One commenter recommended a timeframe of 10 working days; another commenter recommended 15 working days; and another commenter favored 30 calendar days. Several commenters also pointed out that marking the timeframe from the effective date of the support order would be impossible in some instances since some orders are made effective retroactive to the date a petition for support is filed or the date a paternity action is instituted. These commenters recommended that the timeframe

commence from the date the order is entered. Another commenter suggested that the requirement be changed to within 5 working days of the receipt of the order by the IV–D agency.

Response: We have changed the timeframe in the final rule to 15 calendar days. This provides a more realistic approach and is consistent with other timeframes established in this rule and in regulations for program standards. We also agree with those commenters who pointed out the difficulty in complying with a timeframe which commences with an "effective" date and have changed the final rule to provide that notice to withhold be sent to the employer within 15 calendar days of the date the support order is entered.

Administration of Withholding

1. *Comment:* One commenter was concerned that the proposed requirement at paragraph (g)(2)(ii) that the State may designate only one entity to administer withholding in each jurisdiction will mean that every wage withholding action in every support order in the State will become a IV–D case. This commenter complained that this situation would result in increases in workloads and additional tax burdens on State and local taxpayers since there is no Federal financial participation in cases where an application for IV–D services has not been made. It was suggested that since Congress authorized a study regarding the impact of immediate withholding in non-IV–D cases, this proposed requirement should not be issued in final regulations until the results of the study are available.

Response: The requirement for only one wage withholding entity in each jurisdiction applies only to administration of withholding of IV–D cases and has been in effect since October 1, 1985. States have the option of establishing a separate mechanism for the administration of withholding for non-IV–D cases.

2. *Comment:* We received comments responding to the proposed requirement at paragraph (g)(3) that effective October 1, 1995, States must be capable of receiving withheld amounts and accounting information which are electronically transmitted by the employer to the State. One commenter stated that the requirement was premature and that the issue should not be regulated until procedures for transmitting support payments have been agreed upon by OCSE and the National Automated Clearing House Association (NACHA) and the process of transmitting payments has been tested. This commenter suggested that the proposed rule be withdrawn and that OCSE promulgate this requirement in 1995. Another commenter felt that this rule should appear instead in regulations for automated systems and that it include procedures for all collections, such as transfer of interstate payments and collections from county depositories to the State agency responsible for distribution.

Response: This provision was drafted in anticipation of the requirement that all States have operational automated child support enforcement systems by October 1, 1995. We believe that it is important that States have as much advance notice of this requirement as possible so that this capability can be included in the design of their automated systems. States are encouraged to extend this capability for all collections. We are currently pursuing a national initiative on this issue in cooperation with NACHA. The goal of this project is to develop a Child Support Convention, a set of procedures with a selected format to be used by employers to electronically transfer income withholding payments and standardized data elements which will contain case related information about the withholding. As part of developing these procedures we have contacted all State IV–D agencies for assistance, and will continue to involve the States in the ongoing developments.

Interstate Withholding

1. *Comment:* We received many comments regarding the proposed requirement at paragraph (h)(1) that States may register orders from other States only if it is for the sole purpose of establishing jurisdiction for enforcement of the order, does not confer jurisdiction for any other purpose, and does not delay withholding. Most commenters strongly supported this requirement, and several stated that support orders from their States had been registered by other States when interstate withholding had been requested and that the underlying order was subsequently modified downward in the responding jurisdiction.

Several commenters recommended strengthening the requirement. One commenter stated that the phrase "does not delay" would not assure compliance, since some States would claim that registration did not delay enforcement compared to their procedures for full URESA registration. Another commenter recommended that the final rule prohibit any registration whatsoever of the support order by the responding State. One commenter claimed that the proposed requirement was designed to allow a certain State to continue to register orders, with resulting delays, and suggested that any registration was not consistent with Congressional intent.

Finally, one commenter recommended that there be no restrictions on registration. This commenter argued that the better procedure is to allow the responding State to modify the order as necessary to enforce the other State's order through withholding. The commenter claimed that the proposed language clearly prefers administrative process for interstate wage withholding and that the limitations on registration were not feasible for judicial situations, since the absent parent may raise ability to pay defenses to enforcement. It was argued that this situation would necessitate a delay in enforcement of the order, including wage withholding and that such delay illustrates the futility of separating enforcement and adjustment authority. The commenter further maintained that the complexity of the subject requires careful coordination with ongoing efforts of the Commission on Interstate Child Support authorized under section 126 of Public Law 100–485, and the National Conference of Commissioners on Uniform State Laws (NCCUSL) which is redrafting URESA.

Response: We do not believe that an absolute prohibition on registration of orders for the purpose of wage withholding is feasible at this time due to the varied legal and administrative systems among the States. However, we do agree that the language can be strengthened regarding conditions under which registration is permitted, and have added language to specify that registration create no delay beyond the timeframes contained in paragraph (h)(5) regarding notice to the obligor, opportunity of the obligor to contest, and notice to the employer.

With respect to the comment recommending that there be no limits on registration, we strongly disagree. Registration of the underlying support order for the purpose of enforcement of a withholding notice may not open the underlying order to modification. Any State which allows such modifications is not in conformance with the requirements of section 466(b)(2) of the Act which provides that withholding must occur without the need for any amendment to the support order involved and section 466(b)(9) which provides that a State must extend its withholding system so that system will include withholding from income derived within such State in cases where the applicable support orders were issued in other States.

Congressional intent on this issue has been clearly articulated since the adoption of Public Law 98–378 in 1984: "Withholding must occur without amendment of the order or further action by the court. The Committee

believes that this requirement is particularly crucial to the effectiveness of any income withholding provision, because it means that the custodial parent will not have to experience the costs and delays involved in returning to court to get a garnishment decree or a new support order." (Senate Report 98–387, page 27). In addition, the Model Interstate Income Withholding Act, published in 1984 by the American Bar Association and the National Conference of State Legislatures (under a contract from OCSE), explicitly provides that entry by the responding State of the initiating States's support order shall not confer jurisdiction on the courts or agencies of the responding State for any purpose other than income withholding. OCSE recently conducted a review of State law and practices on this issue, and has notified States identified as having problems in this area that any responding State's registration procedure which opens the underlying support order to modification or delays implementation of withholding is not in conformance with Federal requirements.

We agree with the need for ongoing coordination with the Interstate Commission and with the NCCUSL. In fact, the NCCUSL's Drafting Committee and the Interstate Commission's members have agreed to coordinate their efforts with respect to interstate child support enforcement. As referenced earlier, the work of both groups is scheduled for completion in 1992.

2. *Comment:* One commenter requested that the final rule clarify the requirements for notifying the obligor in interstate wage withholding proceedings.

Response: Under paragraph (h)(5)(i) notice must be given to the absent parent in accordance with paragraph (d), *if appropriate*, and under paragraph (h)(5)(ii), the absent parent must be given an opportunity to contest the withholding in accordance with paragraph (e), if appropriate. Notice would not be appropriate and, in fact, is not permitted, in immediate withholding in interstate cases, or in cases in which withholding was previously ordered as a result of a triggering arrearage.

3. *Comment:* Several commenters noted that the proposed requirement at paragraph (h)(3) providing that the initiating State must notify the responding State to implement wage withholding within 5 days of a determination that withholding is required was inconsistent with other regulatory requirements. These commenters pointed out that this conflicts with existing requirements at 45 CFR 303.7(b)(2) providing that the initiating State refer an interstate case for enforcement to the responding State's central registry within 20 calendar days of determining that the absent parent is in another State. Other commenters asked that the proposed requirement be changed to 30 calendar days.

Response: We agree that the proposed timeframe of 5 working days was inconsistent with existing requirements and have changed this timeframe in the final rule at paragraph (h)(3) to provide that the initiating State must notify the responding State to implement withholding within 20 calendar days of determining that withholding is required in a particular case, and, if appropriate, receipt of any information necessary to carry out the withholding. For consistency, we are also revising § 303.7(b)(2) to tie the 20 calendar day timeframe for referral of an interstate case to the receipt of any information necessary to process the case. An interstate request for withholding is, of course, not needed in cases where a State has long arm jurisdiction over the employer and can implement withholding directly.

4. *Comment:* We received comments objecting to the 5-day requirement at proposed paragraph (h)(5) for the responding State to send the notice of withholding to the employer, as unrealistic.

Response: We agree and have changed this timeframe to 15 calendar days in the final rule which is consistent with a number of other timeframes in this section.

Immediate Withholding in Non-IV–D Cases

1. *Comment*: A number of commenters complained that the requirements set forth in paragraph (i), for immediate withholding in non-IV–D cases, were premature since the requirement had a statutory effective date of January 1, 1994. Several commenters pointed out that, since section 101(c) of Public Law 100–485 required that OCSE conduct a study on making immediate withholding mandatory in all cases, final regulations should be postponed so that questions regarding the administrative feasibility and cost implications of such a requirement could be evaluated in light of the fact that no Federal financial participation was available for this activity. One commenter cited preliminary information on one project indicating that there were many complaints from private parties who objected to immediate withholding when a IV–D application had not been filed.

Response: We agree with commenters that it is premature to attempt to regulate this issue. Consequently, we have eliminated proposed paragraph (i) for immediate withholding in non-IV–D cases. As a result, new paragraph (i) requires that there be a provision for withholding in non-IV–D child support orders, to ensure that withholding as a means of support is available without the necessity of filing an application for IV–D services.

Executive Order 12291

The Secretary has determined, in accordance with Executive Order 12291, that this rule does not constitute a "major" rule. A major rule is one that is likely to result in:

(1) An annual effect on the economy of $100 million;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule implements specific requirements of Public Law 100–485 and will not result in additional costs to the States of $100 million or more. Any costs will be administrative, and we believe increased collections as a result of support order adjustments and immediate wage withholding will exceed increased administrative costs.

Regulatory Flexibility Analysis

The Secretary certifies, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this regulation will not result in a significant impact on a substantial number of small entities. The primary impact is on State governments and individuals, which are not considered small entities under the Act.

List of Subjects

45 CFR Part 302

Child support, Grant programs—social programs, Penalties, Reporting and recordkeeping requirements, Unemployment compensation.

45 CFR Part 303

Child support, Grant programs—social programs, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Program No. 93.023, Child Support Enforcement Program.)

Dated: September 3, 1991.

Jo Anne B. Barnhart,

Assistant Secretary for Children and Families.

Approved: January 16, 1992

Louis W. Sullivan,

Secretary

For the reasons set out in the preamble, 45 CFR chapter III is amended to read as follows:

1. The title of 45 CFR Chapter III is revised to read "Office of Child Support Enforcement (Child Support Enforcement Program), Administration for Children and Families, Department of Health and Human Services".

PART 302—STATE PLAN REQUIREMENTS

1a. The authority citation for part 302 continues to read as follows:

Authority: 42 U.S.C. 651 through 658, 660, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p) and 1396(k).

2. Section 302.54 is revised to read as follows:

§ 302.54 Notice of collection of assigned support.

(a) Until December 31, 1992, the State plan shall provide as follows:

(1) The IV–D agency, at least annually, must send a notice of the amount of support payments collected during the past year to individuals who have assigned rights to support under § 232.11 of this title.

(2) The notice must list separately payments collected from each absent parent when more than one absent parent owes support to the family and must indicate the amount of support collected which was paid to the family.

(b) Effective January 1, 1993, the State plan shall provide that the State has in effect procedures for issuing notices of collections as follows:

(1) The IV–D agency must provide a monthly notice of the amount of support payments collected for each month to individuals who have assigned rights to support under § 232.11 of this title, unless no collection is made in the month, the assignment is no longer in effect and there are no longer any assigned arrearages, or the conditions in paragraph (c) of this section are met.

(2) The monthly notice must list separately payments collected from each absent parent when more than one absent parent owes support to the family and must indicate the amount of current support, the amount of arrearages collected and the amount of support collected which was paid to the family.

(c)(1) The Office may grant a waiver to permit a State to provide quarterly, rather than monthly, notices, if the State:

(i) Until September 30, 1995, does not have an automated system that performs child support enforcement activities consistent with § 302.85 or has an automated system that is unable to generate monthly notices; or

(ii) Uses a toll-free automated voice response system which provides the information required under paragraph (b)(2) of this section.

(2) A quarterly notice must be provided in accordance with conditions set forth in paragraph (b)(1) of this section and such notice must contain the information set forth in paragraph (b)(2) of this section.

3. Section 302.70 is amended by revising paragraph (a)(8); adding a new paragraph (a)(10); revising paragraph (d)(1) and the first sentence of (d)(2) to read as follows:

§ 302.70 [Amended]

(a) * * *

(8) Procedures under which all child support orders which are issued or modified in the State will include provision for withholding from wages, in order to assure that withholding as a means of collecting child support is available if arrearages occur without the necessity of filing an application for services under § 302.33 of this part, in accordance with § 303.100(i) of this chapter;

* * * * *

(10) Effective October 13, 1990, procedures for the review and adjustment of child support orders, in accordance with the requirements of § 303.8 of this chapter.

* * * * *

(d)(1) *Exemption.* A State may apply for an exemption from any of the requirements of paragraph (a) of this section by the submittal of a request for exemption to the appropriate Regional Office.

(2) *Basis for granting exemption.* The Secretary will grant a State, or political subdivision in the case of paragraph (a)(2) of this section, an exemption from any of the requirements of paragraph (a) of this section for a period not to exceed three years if the State demonstrates that compliance would not increase the effectiveness and efficiency of its Child Support Enforcement program. * * *

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PART 303—[AMENDED]

4. The authority citation for part 303 continues to read as follows:

Authority: 42 U.S.C. 651 through 658, 660, 663, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p) and 1396(k).

5. In § 303.4, paragraph (c) is revised to read as follows:

§ 303.4 Establishment of support obligations.

* * * * *

(c) Periodically review and adjust child support orders, as appropriate, in accordance with § 303.8.

* * * * *

6. In § 303.7, paragraph (b)(2) is revised to read as follows:

§ 303.7 Provision of services in interstate IV–D cases.

* * * * *

(b) * * *

(2) Except as provided in paragraph (b)(1) of this section, within 20 calendar days of determining that the absent parent is in another State, and, if appropriate, receipt of any necessary information needed to process the case, refer any interstate IV–D case to the responding State's interstate central registry for action, including URESA petitions and requests for location, document verification, administrative reviews in Federal income tax refund offset cases, wage withholding, and State income tax refund offset in IV–D cases.

* * * * *

7. A new § 303.8 is added to read as follows:

§ 303.8 Review and adjustment of child support orders.

(a) *Definitions.* For purposes of this section:

(1) *Adjustment* applies only to the child support provisions of the order, and means:

(i) An upward or downward change in the amount of child support based upon an application of State guidelines for setting and adjusting child support awards; and/or

(ii) Provision for the child's health care needs, through health insurance coverage or other means.

(2) *Parent* includes any custodial parent or non-custodial parent (or for purposes of requesting a review, any other person or entity who may have standing to request an adjustment to the child support order).

(3) *Review* means an objective evaluation, conducted through a proceeding before a court, quasi-judicial process, or administrative body or agency, of information necessary for application of the State's guidelines for support to determine:

(i) The appropriate support award amount; and

(ii) The need to provide for the child's health care needs in the order through health insurance coverage or other means.

(b) *Plan for review and adjustment.* (1) Effective on October 13, 1990, the State must have a written and publicly available plan indicating how and when child support orders in effect in the State will be periodically reviewed and adjusted.

(2) During the period from October 13, 1990 through October 12, 1993, the State must, for orders being enforced under this chapter:

(i) Determine whether such orders should be reviewed, using the plan

specified in paragraph (b)(1) of this section;

(ii) Initiate a review, in accordance with the plan, at the request of either parent subject to the order or of a IV–D agency;

(iii) Notify each parent subject to a child support order of any review of the order at least 30 calendar days before commencement of the review;

(iv) Adjust the order when the review determines that there should be a change in the child support award amount, or that health insurance should be required, as indicated by the review in accordance with the State's guidelines for support described in § 302.56 of this chapter.

(v) Following any review, notify each parent subject to a child support order in effect in the State, of:

(A) Any adjustment or a determination that there should be no change in the order; and

(B) Each parent's right to initiate proceedings to challenge the adjustment or determination, either through pre-decision review, appeal, or administrative review, within at least 30 calendar days after the date of the notice.

8. Section 303.100 is revised as follows:

§ 303.100 Procedures for wage or income withholding.

(a) *General withholding requirements.* (1) The State must ensure that in the case of each absent parent against whom a support order is or has been issued or modified in the State, and is being enforced under the State plan, so much of his or her wages must be withheld, in accordance with this section, as is necessary to comply with the order.

(2) In addition to the amount to be withheld to pay the current month's obligation, the amount to be withheld must include an amount to be applied toward liquidation of overdue support.

(3) The total amount to be withheld under paragraphs (a)(1), (a)(2) and, if applicable, (f)(1)(iii) of this section may not exceed the maximum amount permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)).

(4) In the case of a support order being enforced under the State plan, the withholding must occur without the need for any amendment to the support order involved or any other action by the court or entity that issued it other than that required or permitted under this section.

(5) If there is more than one notice for withholding against a single absent parent, the State must allocate amounts available for withholding giving priority to current support up to the limits imposed under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b)). The State must establish procedures for allocation of support among families, but in no case shall the allocation result in a withholding for one of the support obligations not being implemented.

(6) The withholding must be carried out in full compliance with all procedural due process requirements of the State.

(7) The State must have procedures for promptly terminating withholding:

(i) In all cases, when there is no longer a current order for support and all arrearages have been satisfied; or,

(ii) At State option, when the absent parent requests termination and withholding has not been terminated previously and subsequently initiated, and the absent parent meets the conditions for an alternative arrangement set forth under paragraph (b)(3) of this section.

(8) The State must have procedures for promptly refunding to absent parents amounts which have been improperly withheld.

(9) The State may extend its withholding to include withholding from forms of income other than wages.

(10) Support orders issued or modified in IV–D cases must include a provision requiring the absent parent to keep the IV–D agency informed of the name and address of his or her current employer, whether the absent parent has access to health insurance coverage at reasonable cost and, if so, the health insurance policy information.

(b) *Immediate withholding on IV–D cases.* (1) In the case of a support order being enforced under this part that is issued or modified on or after November 1, 1990, the wages of an absent parent shall be subject to withholding, regardless of whether support payments by such parent are in arrears, on the effective date of the order, except that such wages shall not be subject to withholding under this paragraph in any case where:

(i) Either the absent or custodial parent demonstrates, and the court or administrative authority finds, that there is good cause not to require immediate withholding; or (ii) A written agreement is reached between the absent and custodial parent, and, at State option, the State in IV–D cases in which there is an assignment of support rights to the State, which provides for an alternative arrangement.

(2) For the purposes of this paragraph, any finding that there is good cause not to require immediate withholding must be based on at least:

(i) A written determination that, and explanation by the court or administrative authority of why, implementing immediate wage withholding would not be in the best interests of the child; and

(ii) Proof of timely payment of previously ordered support in cases involving the modification of support orders.

(3) For purposes of this paragraph, "written agreement" means a written alternative arrangement signed by both the custodial and absent parent, and, at State option, by the State in IV–D cases in which there is an assignment of support rights to the State, and reviewed and entered in the record by the court or administrative authority.

(c) *Initiated withholding in IV–D cases.* In the case of wages not subject to immediate withholding under paragraph (b) of this section, including cases subject to a finding of good cause or to a written agreement:

(1) The wages or the absent parent shall become subject to the withholding on the date on which the payments which the absent parent has failed to make under a support order are at least equal to the support payable for one month or, if earlier, and without regard to whether there is an arrearage, the earliest of:

(i) The date on which the absent parent requests that withholding begin;

(ii) The date on which the custodial parent requests that withholding begin, if the State determines, in accordance with such procedures and standards as it may establish, that the request should be approved; or

(iii) Such earlier date as State law or procedure may provide.

(2) The State must send the advance notice required under paragraph (d) of this section to the absent parent within 15 calendar days of the appropriate date under paragraph (c)(1) of this section if the absent parent's address is known on that date, or, if the absent parent's address is not known on that date, within 15 calendar days of locating the absent parent.

(3) The only basis for contesting a withholding under this paragraph is a mistake of fact, which for purposes of this paragraph means an error in the amount of current or overdue support or in the identity of the alleged absent parent.

(d) *Advance notice to the absent parent in cases of initiated withholding.* (1) On the date specified in paragraph (c)(2) of this section, the State must send advance notice to the absent parent regarding the initiated withholding. The notice must inform the absent parent:

(i) Of the amount of overdue support that is owed, if any, and the amount of wages that will be withheld;

(ii) That the provision for withholding

applies to any current or subsequent employer or period of employment;

(iii) Of the procedures available for contesting the withholding and that the only basis for contesting the withholding is a mistake of fact;

(iv) Of the period within which the absent parent must contact the State in order to contest the withholding and that failure to contact the State within the specified time limit will result in the State notifying the employer to begin withholding; and

(v) Of the actions the State will take if the individual contests the withholding, including the procedures established under paragraph (e) of this section.

(2) (i) The requirement for advance notice to the absent parent under paragraph (d)(1) of this section and for State procedures when the absent parent contests the withholding in response to the advance notice under paragraph (e) of this section do not apply in the case of any State which had a withholding system in effect on August 16, 1984 if the system provided on that date, and continues to provide, any other procedures as may be necessary to meet the procedural due process requirements of State law.

(ii) Any State in which paragraph (d)(2)(i) of this section applies must meet all other requirements of this section and must send notice to the employer under paragraph (f) of this section within 15 calendar days of the appropriate date specified in paragraph (c)(1) of this section if the employer's address is known on that date, or, if the employer's address is not known on that date, within 15 calendar days of locating the employer's address.

(e) *State procedures when the absent parent contests initiated withholding in response to the advance notice.* The State must establish procedures for use when an absent parent contests the withholding. Within 45 calendar days of sending advance notice to the absent parent under paragraph (d) of this section, the State must:

(1) Provide the absent parent an opportunity to present his or her case to the State;

(2) Determine if the withholding shall occur based on an evaluation of the facts, including the absent parent's statement of his or her case;

(3) Notify the absent parent whether or not the withholding is to occur and, if it is to occur, include in the notice the time frames within which the withholding will begin and the information given to the employer in the notice required under paragraph (f) of this section; and

(4) If withholding is to occur, send the notice required under paragraph (f) of this section.

(f) *Notice to the employer for immediate and initiated withholding.* (1) To initiate withholding, the State must send the absent parent's employer a notice which includes the following:

(i) The amount to be withheld from the absent parent's wages, and a statement that the amount actually withheld for support and other purposes, including the fee specified under paragraph (f)(1)(iii) of this section, may not be in excess of the maximum amounts permitted under section 303(b) of the Consumer Credit Protection Act (15 U.S.C. 1673(b));

(ii) That the employer must send the amount to the State (or to such other individual or entity as the State may direct) within 10 working days of the date the absent parent is paid, and must report to the State (or to such other individual or entity as the State may direct) the date on which the amount was withheld from the absent parent's wages;

(iii) That, in addition to the amount withheld for support, the employer may deduct a fee established by the State for administrative costs incurred for each withholding, if the State permits a fee to be deducted;

(iv) That the withholding is binding upon the employer until further notice by the State;

(v) That the employer is subject to a fine to be determined under State law for discharging an absent parent from employment, refusing to employ, or taking disciplinary action against any absent parent because of the withholding;

(vi) That, if the employer fails to withhold wages in accordance with the provisions of the notice, the employer is liable for the accumulated amount the employer should have withheld from the absent parent's wages;

(vii) That the withholding under this section shall have priority over any other legal process under State law against the same wages;

(viii) That the employer may combine withheld amounts from absent parents' wages in a single payment to each appropriate agency requesting withholding and separately identify the portion of the single payment which is attributable to each individual absent parent;

(ix) That the employer must implement withholding no later than the first pay period that occurs after 14 working days following the date the notice was mailed; and

(x) That the employer must notify the State promptly when the absent parent terminates employment and provide the absent parent's last known address and the name and address of the absent parent's new employer, if known.

(2) In the case of an immediate wage withholding under paragraph (b) of this section, the State must issue the notice to the employer specified in paragraph (f)(1) of this section within 15 calendar days of the date the support order is entered if the employer's address is known on that date, or, if the address is unknown on that date, within 15 calendar days of locating the employer's address.

(3) In the case of initiated withholding, if the absent parent fails to contact the State to contest withholding within the period specified in the advance notice in accordance with the requirements of paragraph (d)(1)(iv) of this section, the State must send the notice to the employer required under paragraph (f)(1) of this section within 15 calendar days of the end of the contact period if the employer's address is known on that date, or, if the address is unknown on that date, within 15 calendar days of locating the employer's address.

(4) If the absent parent changes employment within the State when a withholding is in effect, the State must notify the absent parent's new employer, in accordance with the requirements of paragraph (f)(1) of this section, that the withholding is binding on the new employer.

(g) *Administration of withholding.* (1) The State must designate a public agency to administer withholding in accordance with procedures specified by the State for keeping adequate records to document, track, and monitor support payments.

(2)(i) The State may designate public or private entities to administer withholding on a State or local basis under the supervision of the State withholding agency if the entity or entities are publicly accountable and follow the procedures specified by the State; and (ii) the State may designate only one entity to administer withholding in each jurisdiction.

(3) Effective October 1, 1995, the State must be capable of receiving withheld amounts and accounting information which are electronically transmitted by the employer to the State.

(4) Amounts withheld must be distributed in accordance with section 457 of the Act and §§ 302.32, 302.51 and 302.52 of this chapter.

(5) The State must reduce its IV–D expenditures by any interest earned by the State's designee on withheld amounts.

(h) *Interstate withholding.* (1) The State law must provide for procedures to extend the State's withholding system

so that the system will include withholding from income or wages derived within the State in cases where the applicable support orders were issued in other States. A State may require registration of orders from other States for purposes of enforcement through withholding only if registration is for the sole purpose of obtaining jurisdiction for enforcement of the order; does not confer jurisdiction on the court or agency for any other purpose (such as modification of the underlying or original support order or resolution of custody or visitation disputes); and does not delay implementation of withholding beyond the timeframes established in paragraph (h)(5) of this section.

(2) The State law must require employers to comply with a withholding notice issued by the State.

(3) Within 20 calendar days of a determination that withholding is required in a particular case, and, if appropriate, receipt of any information necessary to carry out withholding, the initiating State must notify the IV–D agency of the State in which the absent parent is employed to implement interstate withholding. The notice must contain all information necessary to carry out the withholding, including the amount requested to be withheld, a copy of the support order and a statement of arrearages, if appropriate. If necessary, the State where the support order is entered must provide the information necessary to carry out the withholding within 30 calendar days of receipt of a request for information by the initiating State.

(4) The State in which the absent parent is employed must implement withholding in accordance with paragraph (h)(5) of this section upon receipt of the notice required in paragraph (h)(3) of this section.

(5) The State in which the absent parent is employed must:

(i) Within 15 calendar days of location of the absent parent and his or her employer, send notice to the absent parent, if appropriate, in accordance with the requirements of paragraph (d) of this section;

(ii) Provide the absent parent with an opportunity to contest the withholding, if appropriate, in accordance with paragraph (e) of this section;

(iii) Send notice to the employer in accordance with the requirements of paragraph (f) of this section; and

(iv) Notify the State in which the custodial parent is receiving services when the absent parent is no longer employed in the State and provide the name and address of the absent parent and new employer, if known.

(6) The withholding must be carried out in full compliance with all procedural due process requirements of the State in which the absent parent is employed.

(7) Except with respect to when withholding must be implemented which is controlled by the State where the support order was entered, the law and procedures of the State in which the absent parent is employed shall apply.

(i) *Provision for withholding in all child support orders.* Child support orders issued or modified in the State between October 1, 1985, and January 1, 1994, or modified on or after January 1, 1994, must have a provision for withholding of wages, in order to ensure that withholding as a means of support is available if arrearages occur without the necessity of filing an application for IV–D services. This requirement does not alter the requirement governing all IV–D cases in paragraph (a)(4) of this section that enforcement under the State plan must proceed without the need for a withholding provision in the order.

[FR Doc. 92–15696 Filed 7–9–92; 8:45 am]
BILLING CODE 4190–11–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 649

American Lobster Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Alternative fastener for lobster trap ghost panel specifications.

SUMMARY: NMFS has approved an alternative to the ghost panel designs and materials prescribed by regulations implementing Amendment 3 to the American Lobster Fishery Management Plan.

This action is being taken at the request of the New England Fishery Management Council Lobster Oversight Committee. This alternative will allow lobster fishermen to comply with the degradable escape panel requirements and allow escapement of lobster after a trap has been abandoned or lost.

EFFECTIVE DATE: Effective from July 10, 1992, through July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Resource Policy Analyst, Fishery Management Operations, NMFS Northeast Regional Office, 508/281–9273.

SUPPLEMENTARY INFORMATION: The American lobster fishery is managed under the American Lobster Fishery Management Plan (FMP) under authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) Ghost panel specifications approved under Amendment 3 to the FMP, became effective on May 26, 1992, and included a requirement that lobster traps contain a ghost panel to allow for the escapement of lobster after a trap has been abandoned or lost. The specification requirement, which appears at § 649.21(d)(1)(111), allows the use of the door of the lobster trap to serve as the ghost panel if fastened with a material described in § 649.21(d)(1)(11).

Implementing regulations at 50 CFR part 649 provide the Director, Northeast Region, NMFS, (Regional Director) with the authority to approve alternative designs and/or materials, under specified criteria, at the request of, or after consultation with, the New England Fishery Management Council's (Council) Lobster Oversight Committee (Committee).

At the April 23, 1992, Committee meeting, alternatives to this ghost panel specification were discussed and the Committee agreed to ask the Regional Director to consider the use of a bungee cord attachment in those instances when the bungee cord is attached with untreated non-stainless/uncoated ferrous metal not greater than $\frac{3}{32}$ inch (0.24 cm) in diameter. At its May 20–21, 1992, meeting, the Council endorsed the Committee recommendation.

After consideration of the comments from the Committee, the Regional Director has decided that a lobster trap door fastened in the following manner is interpreted as an acceptable fastening alternative for the ghost panel regulations. This alternative will allow lobster fishermen to comply with the degradable escape panel requirements and allow escapement of lobster after a trap has been abandoned or lost.

The use of a bungee cord that is attached with untreated nonstainless/uncoated ferrous metal not greater than $\frac{3}{32}$ inch (0.24 cm) in diameter can serve as the fastener of the trap door as specified in § 649.21(d)(1)(iii). The bungee cord must be attached so that when the untreated material degrades, the door of the trap will pivot open freely.

This action will be permanently codified in 50 CFR part 649 through an amendment to the FMP to follow.

Classification

This action is authorized by 50 CFR 649.21 and complies with E.O. 12291.

List of Subjects in 50 CFR Part 649

Fisheries.

Dated: July 6, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-16173 Filed 7-9-92; 8:45 am]

BILLING CODE 3510-22-M

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 911176-2018]

Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for pollock in statistical area 63 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the third quarterly allowance of the total allowable catch (TAC) for pollock in this area.

DATES: Effective 12 noon, Alaska local time (A.l.t.), July 7, 1992, until 12 noon, A.l.t., September 28, 1992.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, Resource Management Specialist, Fisheries Management Division, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the exclusive economic zone within the GOA is managed by the Secretary of Commerce according to the Fishery Management Plan for Groundfish of the GOA (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

The third quarterly allowance of pollock TAC for statistical area 63 is 10,470 metric tons, determined in accordance with § 672.20(a)(2)(iv).

The Director of the Alaska Region, NMFS, in accordance with § 672.20(c)(2)(ii), has determined that the third quarterly allowance of pollock TAC for statistical area 63 will soon be reached. Consequently, NMFS is prohibiting directed fishing for pollock in statistical area 63, effective from 12 noon A.l.t., July 7, 1992, until 12 noon, A.l.t., September 28, 1992.

Directed fishing standards for applicable gear types may be found in the regulations at § 672.20(g).

Classification

This action is taken under 50 CFR 672.20 and is in compliance with E.O. 12291.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 7, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-16201 Filed 7-7-92; 11:31 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 57, No. 133
Friday, July 10, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92-NM-87-AD]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes the supersedure of an existing airworthiness directive (AD), applicable to all Boeing Model 727 series airplanes, that currently requires inspection of the main landing gear (MLG) door actuator attach fitting bolts, and replacement, if necessary. This action would require revised inspection procedures, and provides a revised optional terminating modification. This proposal is prompted by a recent reassessment of the corrective actions required by the existing AD, which revealed that additional actions are necessary in order to fully address the unsafe condition. The actions specified by the proposed AD are intended to prevent landing with one MLG partially extended.

DATES: Comments must be received by August 24, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-87-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Stanton R. Wood, Aerospace Engineer, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2772; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-87-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-87-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On July 8, 1991, the FAA issued AD 91-15-14, Amendment 39-7078 (56 FR 46112, September 10, 1991), to require inspection of the main landing gear (MLG) door actuator attach fitting bolts, and replacement, if necessary. That action was prompted by reports of loose MLG door actuator attach fitting bolts that allowed movement of the fitting, which jammed the MLG door and prevented full extension of one MLG, resulting in a landing with that MLG partially extended. The requirements of that AD are intended to prevent a landing with one MLG partially extended.

Since the issuance of that AD, the FAA has completed a reassessment of the corrective actions required by the existing AD. As a result of that reassessment, the FAA has determined that the repetitive inspections required by AD 91-15-14 and the optional terminating action for these repetitive inspections may not adequately correct the addressed unsafe condition. The FAA now finds that a check for proper mating of the MLG actuator attach fitting serrations also is necessary in order to ensure the proper operation of the MLG during landing.

The FAA has reviewed and approved Boeing Service Bulletin 727-32-0383, Revision 1, dated January 30, 1992. This revision describes procedures for repetitive inspections of the MLG door actuator attach fitting serrations to ensure that they are fully mated; revised procedures for repetitive inspections of the attach fitting bolts for proper torque; and replacement of any damaged parts found. While the original issue of the service bulletin (which was cited in AD 91-15-14) described inspection procedures of two outboard bolts that attach the door actuator fitting to the attachment fitting for the actuator beam, Revision 1 of the service bulletin delineates inspections of three bolts in this area. This service bulletin revision also describes a revised optional terminating action for the repetitive inspections. This optional terminating action consists of replacing certain nuts and bolts on the attach fitting.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 91-15-14 to require the revised inspection procedures described previously, and replacement of any damaged parts found. This proposed AD would also provide a revised optional modification which, if accomplished, would constitute terminating action for

the repetitive inspections. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 1,635 Boeing Model 727 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,047 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $57,585. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-7078 (56 FR 46112, September 10, 1991), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 92-NM-87-AD. Supersedes AD 91-15-14, Amendment 39-7078.

Applicability: All Model 727 airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent a landing with one main landing gear (MLG) partially extended, accomplish the following:

(a) Within the next 1,500 flight cycles after October 15, 1991 (the effective date of AD 91-15-14, Amendment 39-7078), inspect for loose MLG door actuator attach fitting bolts, in accordance with Part III, Accomplishment Instructions, of Boeing Service Bulletin 727-32-0383, dated December 6, 1990.

(b) If loose bolts are found as a result of the inspection required by paragraph (a) of this AD, prior to further flight, accomplish Figure 1 or 2 of Boeing Service Bulletin 727-32-0383, dated December 6, 1990.

(c) For airplanes that have accomplished the actions required by paragraph (a) of this AD prior to the effective date of this AD: Prior to the accumulation of 3,700 flight cycles after accomplishing the inspection or replacement required by paragraphs (a) and (b) of this AD, or within 3 years after the effective date of this AD, whichever occurs first; and thereafter at intervals not to exceed 3,700 flight cycles or 3 years after the immediately preceding inspection, whichever occurs first; inspect the MLG door actuator attach fitting to ensure that serrations are fully mated, and to detect loose bolts, in accordance with part III, Accomplishment Instructions, of Boeing Service Bulletin 727-32-0383, Revision 1, dated January 30, 1992.

(d) If serrations are not fully mated, or if loose bolts are found, accomplish Figure 1 or 2 of Boeing Service Bulletin 727-32-0383, Revision 1, dated January 30, 1992.

(1) If Figure 1 is accomplished, repeat the inspection required by paragraph (c) of this AD at intervals not to exceed 3,700 flight cycles or 3 years after the immediately preceding inspection, whichever occurs first.

(2) Accomplishment of Figure 2 constitutes terminating action for the inspection requirements of paragraph (c) of this AD.

(e) For airplanes that have not previously accomplished the actions required by paragraph (a) of this AD prior to the effective date of this AD: Prior to the accumulation of 1,500 flight cycles after the effective date of this AD, or within 18 months after the effective date of this AD, whichever occurs first; and thereafter at intervals not to exceed 3,700 flight cycles or 3 years after the immediately preceding inspection, whichever occurs first; inspect the MLG door actuator attach fitting to ensure that serrations are fully mated, and to detect loose bolts, in accordance with Part III, Accomplishment Instructions, of Boeing Service Bulletin 727-32-0383, Revision 1, dated January 30, 1992.

(f) If serrations are not fully mated, or if loose bolts are found, accomplish Figure 1 or 2 of Boeing Service Bulletin 727-32-0383, Revision 1, dated January 30, 1992.

(1) If Figure 1 is accomplished, repeat the inspection required by paragraph (e) of this AD at intervals not to exceed 3,700 flight cycles or 3 years after the immediately preceding inspection, whichever occurs first.

(2) Accomplishment of Figure 2 constitutes terminating action for the inspection requirements of paragraph (e) of this AD.

(g) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(h) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 23, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-16207 Filed 7-9-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 92-NM-94-AD]

Airworthiness Directives; Garrett Model GTCP 36-280 and GTCP 36-300 Auxiliary Power Units, as Installed in, but not Limited to, Airbus Industrie Model A320 Series Airplanes; McDonnell Douglas Model DC-9-80 Series Airplanes; and Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Garrett Model GTCP 36-280 and GTCP 36-300 auxiliary power units (APU). This proposal would require a modification of these APU's that will ensure the retention of the APU tieshaft. This proposal is prompted by two incidents of APU tieshaft separation. The actions specified by the proposed AD are intended to prevent APU tieshaft separation, which could cause the tieshaft to exit the inlet plenum and

puncture the titanium fire wall of the airplane.

DATES: Comments must be received by August 24, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-94-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Garrett Airlines Services Division, Technical Publications, Department 65-70, P.O. Box 52170, Phoenix, Arizona 85072-2170. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, ANM-140L, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5245; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-94-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-94-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

Two incidents, involving Airbus Industrie Model A320 series airplanes equipped with Garrett Model GTCP 36-300 auxiliary power units (APU), have occurred in which the tieshaft separated due to severe imbalance in the rotation group. The resulting translational energy caused the compressor shaft to exit the APU inlet plenum and puncture the titanium APU fire wall. One of these APU tieshaft separations resulted in a two inch hole in the titanium APU fire wall and a cracked fuselage skin. APU tieshaft separation, if not corrected, could result in damage to the titanium APU fire wall, which could lead to a reduction in the fire protection capability of the APU compartment.

The Garrett Model 36-280 APU is similar in design to the Model 36-300 APU and, therefore, may be subject to the same potential unsafe condition.

The FAA has reviewed and approved Garrett Service Bulletin GTCP36-49-A6642, dated May 1, 1992, that describes procedures for modification of the Garrett Model GTCP 36-300 APU, as installed in, but not limited to, Airbus Industrie Model A320 series airplanes. The FAA has also reviewed and approved Garrett Service Bulletin GTCP36-49-A6653, dated May 1, 1992, that describes procedures for modification of the Garrett Model GTCP 36-280 APU, as installed in, but not limited to, McDonnell Douglas Model DC-9-80 series airplanes and Boeing Model 737 series airplanes. The modification described in these service bulletins involves reworking the load compressor and engine compressor, as well as replacing the rotating group and compressor shaft. Accomplishing this modification will extend the shaft support configuration to retain the tieshaft with the engine compressor and load compressor, which are constrained within the static structure during any tieshaft separations.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require modification of certain Garrett Model GTCP 36-280 and GTCP 36-300 APU's. The actions would be required to be accomplished in accordance with the service bulletins described previously.

There are approximately 247 Airbus Industrie Model A320 series airplanes, 118 McDonnell Douglas Model DC-9-80 series airplanes, and 34 Boeing Model 737 series airplanes of the affected design in the worldwide fleet that may be equipped with the affected APU's. The FAA estimates that 47 Airbus Industrie Model A320 series airplanes and 118 McDonnell Douglas Model DC-9-80 series airplanes of U.S. registry would be affected by this proposed AD. There are currently no Boeing Model 737 series airplanes of U.S. registry equipped with the affected APU's.

The FAA estimates that it would take approximately 15 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts will be provided by the manufacturer at no cost to operators.

Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $136,125, or $825 per airplane. This total cost figure assumes that no operator has yet accomplished the requirements of this proposed AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator,

the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Garrett Auxiliary Power Division: Docket 92–NM–94–AD.

Applicability: Garrett Model GTCP 36–300 auxiliary power units (APU), as installed in, but not limited to, Airbus Industrie Model A320 series airplanes, McDonnell Douglas Model DC–9–80 series airplanes, and Boeing Model 737 series airplanes; Garrett Model GTCP 36–280[D] APU's, serial numbers prior to P–80346, as installed in, but not limited to, McDonnell Douglas Model DC–9–80 series airplanes; and Garrett Model GTCP 36–280[B] APU's, serial numbers prior to P–40182, as installed in, but not limited to, Boeing Model 737 series airplanes; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to the titanium APU fire wall due to APU tieshaft separation, which could lead to a reduction in the fire protection capability of the APU compartment, accomplish the following:

(a) For airplanes equipped with Garrett Model GTCP 36–300 APU's: Within 30 months after the effective date of this AD, modify the APU, in accordance with Garrett Service Bulletin GTCP36–49–A6642, dated May 1, 1992.

(b) For airplanes equipped with Garrett Model GTCP 36–280 APU's: Within 30 months after the effective date of this AD, modify the APU, in accordance with Garrett Service Bulletin GTCP36–49–A6653, dated May 1, 1992.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 23, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–16214 Filed 7–9–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 92–NM–121–AD]

Airworthiness Directives; SAAB-SCANIA Models SAAB SF340A and SAAB 340B Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain SAAB-SCANIA Models SAAB SF340A and SAAB 340B series airplanes. This proposal would require relocation of the sensor loops of the bleed air leak detection system. This proposal is prompted by recent reports of bleed air leak detection systems failing to indicate leaks in the bleed air duct. The actions specified by the proposed AD are intended to prevent damage/disbonding of the fuselage skin due to overheat, and subsequent reduced structural capability of the fuselage skin.

DATES: Comments must be received by August 24, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–121–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from SAAB-SCANIA AB, Product Support, S–581.88, Linköping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM–13, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–121–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–121–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority for Sweden, recently notified the FAA that an unsafe condition may exist on certain SAAB-SCANIA Models SAAB SF340A and SAAB 340B series airplanes. The LFV advises that there have been recent reports of bleed air leak detection systems failing to indicate leaks in the bleed air duct. This condition, if not corrected, could result in damage/disbonding of the fuselage skin due to overheat, and subsequent reduced structural capability of the fuselage skin.

SAAB–SCANIA has issued Service Bulletin 340–36–005, dated March 20, 1992, which describes procedures for re-routing the sensor loops of the bleed air leak detection system to a better position in order to ensure overheat/leak detection. The LFV classified this service bulletin as mandatory and

issued Swedish Airworthiness Directive 1–053 in order to assure the continued airworthiness of these airplanes in Sweden.

This airplane model is manufactured in Sweden and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LFV has kept the FAA informed of the situation described above. The FAA has examined the findings of the LFV, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require relocation of the sensor loops of the bleed air leak detection system. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 172 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $28,380. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Saab-Scania: Docket 92–NM–121–AD.

Applicability: Model SAAB SF340A series airplanes, serial numbers 004 through 159, inclusive; and SAAB 340B series airplanes, serial numbers 160 through 299, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage/disbonding and subsequent reduced structural capability of the fuselage skin, accomplish the following:

(a) Within 3 months after the effective date of this AD, relocate the sensor loops of the bleed air leak detection system, in accordance with SAAB–SCANIA Service Bulletin 340–36–005, dated March 20, 1992.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 23, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–16215 Filed 7–9–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 92–NM–93–AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes. This proposal would require inspections to detect cracks and corrosion of the portal latch pin support fittings of certain cargo doors, and rework or replacement of damaged parts; and eventual modification of those fitting installations. It would also require inspections to detect cracks and corrosion of the cam latch bellcranks and cam latches of certain cargo doors, and rework or replacement of damaged parts; and eventual replacement of the cam latches. This proposal is prompted by numerous reports of corroded or cracked fittings, cam latch bellcranks, and cam latches. The actions specified by the proposed AD are intended to prevent reduced structural integrity of the latch system for the cargo doors, resulting in a door opening in flight and rapid depressurization of the airplane.

DATES: Comments must be received by September 10, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–93–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Pliny Brestel, Aerospace Engineer, Seattle Aircraft Certification Office, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2783; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-93-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-93-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

In February 1989, a cargo door on a Boeing Model 747 series airplane opened in flight, resulting in an explosive decompression of the airplane. Although the cause of the accident has not been determined, it became apparent that the latching, locking, and warning systems of the cargo door were a factor in its opening in flight.

In June 1989, the Air Transport Association (ATA) of America sponsored a conference to focus on continued structural airworthiness of non-plug type cargo doors. A Cargo Door Task Force was established, including representatives from the operators, the manufacturers, and the FAA. One objective of the Task Force was to select service bulletins to be recommended for mandatory accomplishment in order to enhance safety. Two service bulletins, Boeing Service Bulletin 747-52-2186 and Boeing Service Bulletin 747-52-2107 (superseded by Boeing Alert Service Bulletin 747-52A2233), which are both applicable to the Model 747 series airplane lower lobe forward and aft cargo doors and the main deck side cargo door, are addressed in this proposal.

The manufacturer has reported that numerous cargo door portal latch pin support fittings have been found with corrosion, and one fitting had cracked and broken into two separate pieces. Also, there have been reports of the failure of certain bolts that attach the latch fittings to the door sill. Investigation revealed that the cracking and breaking have been attributed to stress corrosion. These conditions, if not corrected, could result in loss of the structural integrity of the latch fitting or its attachments, opening of the door in flight, and ultimately, rapid decompression of the airplane.

In addition, the manufacturer has reported several instances of cracked or fractured cam latches. Investigation revealed that these fatigue cracks originated at the cross-bolt hole attachment to the bellcrank. Fractured cam latches can result in the adjacent door structure receiving more load, which could subsequently result in cumulative fatigue-type damage to the structure, opening of the door in flight, and ultimately, rapid decompression of the airplane.

The FAA has reviewed and approved Boeing Service Bulletin 747-52-2186, Revision 4, dated October 24, 1991, that describes procedures for repetitive inspections to detect cracks and corrosion of the portal latch pin support fittings for the lower lobe forward and aft cargo doors and the main deck side cargo door, if installed; and rework or replacement of damaged parts and a check of the door rigging, as necessary. The service bulletin also describes procedures for modification of certain portal latch pin support fitting installations.

The FAA has also reviewed and approved Boeing Alert Service Bulletin 747-52A2233, dated August 29, 1991, that describes procedures for inspections to detect cracks and corrosion of the cam latch bellcranks and cam latches for lower lobe forward and aft cargo doors and the main deck side cargo door, if installed; rework of damaged parts, or replacement of bellcranks and cam latches; and operational testing. This service bulletin also describes procedures for replacement of certain cam latches as terminating action for the inspections.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require repetitive inspections to detect cracks of the portal latch pin support fittings for lower lobe forward and aft cargo doors and main deck side cargo door, if installed, and rework or replacement of damaged parts, and a check of the door rigging, as necessary. These repetitive inspections may be performed with no disassembly necessary. The proposed AD would also require eventual disassembly of parts for a close inspection to detect cracks and corrosion, and modification of certain portal latch pin support fitting installations, which would constitute terminating action for the repetitive inspections.

The proposed AD would also require inspections to detect cracks and corrosion of the cam latch bellcranks and cam latches for lower lobe forward and aft cargo doors and main deck side cargo door, if installed, and rework of damaged parts, or replacement of bellcranks and cam latches; operational testing; and eventual replacement of certain cam latches, which would constitute terminating action for the inspections of the cam latch bellcranks and cam latches.

The proposed actions would be required to be accomplished in accordance with the Boeing service bulletins described previously.

The FAA estimates that 204 airplanes of U.S. registry would be required to perform inspections and modification of the portal latch pin support fittings, that it would take approximately 59 work hours to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of these actions on U.S. Operators is estimated to be $661,980.

The FAA estimates that 134 airplanes of U.S. registry would be required to perform inspections of the cam latch bellcranks and cam latches and replacement of the cam latches, that it would take approximately 92 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts for these actions would cost approximately $36,128 per airplane. Based on these figures, the total cost impact of these actions on U.S. operators is estimated to be $5,519,192.

Based on these figures, the total cost impact of this proposed AD on U.S. operators is estimated to be $6,181,172. This total cost figure assumes that no U.S. operator has yet accomplished any

of the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 92-NM-93-AD.

Applicability: Model 747 series airplanes; as listed in Boeing Service Bulletin 747-52-2186, Revision 4, dated October 24, 1991, and Boeing Alert Service Bulletin 747-52A2233, dated August 29, 1991; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent in-flight opening of the lower lobe forward and aft cargo doors and the main deck side cargo door, if installed, accomplish the following:

(a) Prior to the accumulation of 1,800 flight hours after the effective date of this AD, or within 600 flight cycles after the effective date of this AD, whichever occurs first: With no disassembly required, perform a general visual inspection to detect cracks in the portal latch pin support fittings on the lower lobe forward and aft cargo doors and on the main deck side cargo door, if installed and in the cargo configuration, in accordance with Boeing Service Bulletin 747-52-2186, Revision 4, dated October 24, 1991.

(1) Repeat this visual inspection at intervals not to exceed 1,800 flight hours or 600 flight cycles, whichever occurs first, in accordance with the service bulletin.

(2) If any cracked part is found as a result of the inspections required by paragraphs (a) or (a)(1) of this AD, prior to further flight, replace it and check the door rigging, in accordance with the service bulletin.

(b) Prior to the accumulation of 12,500 flight hours after the effective date of this AD, or 2,500 flight cycles after the effective date of this AD, or within 30 months after the effective date of this AD, whichever occurs first: With no disassembly required, perform a general visual inspection to detect cracks in the portal latch pin support fittings on the main deck side cargo door, if installed and in the passenger configuration, in accordance with Boeing Service Bulletin 747-52-2186, Revision 4, dated October 24, 1991.

(1) Repeat this visual inspection at intervals not to exceed 12,500 flight hours, 2,500 flight cycles, or 30 months after the immediately preceding inspection, whichever occurs first, in accordance with the service bulletin.

(2) If any cracked part is found as a result of the inspections required by paragraphs (b) or (b)(1) of this AD, prior to further flight, replace it and check the door rigging in accordance with the service bulletin.

(c) When converting from the passenger configuration to the cargo configuration, prior to further flight, and thereafter at intervals not to exceed 1,800 flight hours or 600 flight cycles, whichever occurs first: With no disassembly required, perform a visual general inspection to detect cracks in the portal latch pin support fitting assemblies of the main deck side cargo door, if installed, in accordance with Boeing Service Bulletin 747-52-2186, Revision 4, dated October 24, 1991. Prior to further flight, replace any cracked parts found, in accordance with the service bulletin.

(d) When converting from the cargo configuration to the passenger configuration, prior to further flight, and thereafter at intervals not to exceed 12,500 flight hours, 2,500 flight cycles, or 30 months after the immediately preceding inspection, whichever occurs first: With no disassembly required, perform a visual inspection to detect cracks in the portal latch pin support fitting assemblies of the main deck side cargo door, if installed, in accordance with Boeing Service Bulletin 747-52-2186, Revision 4, dated October 24, 1991. Prior to further flight, replace any cracked parts found, in accordance with the service bulletin.

(e) Prior to the accumulation of 25,000 flight hours after the effective date of this AD, or 5,000 flight cycles after the effective date of this AD, or within 5 years after the effective date of this AD, whichever occurs first: Disassemble parts and perform a close detailed visual inspection to detect cracks and corrosion in the portal latch pin support fitting assemblies/installations on the lower lobe forward and aft cargo doors and on the main deck side cargo door, if installed, in accordance with Boeing Service Bulletin 747-52-2816, Revision 4, dated October 24, 1991.

(1) If cracks or corrosion are found, prior to further flight, repair or replace any damaged parts, and check the door rigging, in accordance with the service bulletin.

(2) Inspect to verify that all H-11 steel latch fitting to sill bolts, BACB30MT, and corresponding nuts, BACN10HR ( ), have been replaced with superseding BACB30US bolts and corresponding BACN10HR( )CD nuts. If not, prior to further flight, install the superseding BACB30US bolts and BACN10HR( )CD nuts, in accordance with the service bulletin.

(3) Apply sealant to the portal latch pin support fitting and attaching hardware, in accordance with the service bulletin.

(4) Accomplishment of paragraphs (e), (e)(1), (e)(2), and (e)(3) of this AD constitutes terminating action for the repetitive inspections required by paragraphs (a)(1), (b)(1), (c), and (d) of this AD.

(f) Prior to the accumulation of 6,000 flight hours after the effective date of this AD, or within 18 months after the effective date of this AD, whichever occurs first: Determine the configuration of the bellcrank/cam latch assembly of the lower lobe forward and aft cargo doors and of the main deck side cargo door, if installed, and perform the procedures specified in either paragraph (f)(1) or (f)(2) of this AD, as applicable, in accordance with Boeing Alert Service Bulletin 747-52A2233, dated August 29, 1991. Prior to further flight, repair or replace damaged parts, in accordance with the service bulletin.

(1) For cargo doors with cam latches attached to the bellcrank by cross bolts, accomplish one of the procedures specified in paragraph (f)(1)(i), (f)(1)(ii), or (f)(1)(iii) of this AD:

(i) Replace all bellcranks and cam latches with bellcranks and cam latches of the new part configuration, in accordance with Section III., paragraph F., of the service bulletin; and perform an operational test of the door latch mechanism, in accordance with Section III., paragraph Y., of the service bulletin. Or

(ii) Inspect the bellcranks to detect corrosion and, prior to further flight, repair or replace any corroded parts; and replace all cam latches with cam latches of the new part configuration, in accordance with Section III., paragraph G., of the service bulletin. Perform an operational test of the door latch mechanism, in accordance with Section III., paragraph Y., of the service bulletin. Or

(iii) Inspect the bellcranks to detect corrosion and, prior to further flight, repair or replace any corroded parts; and inspect the cam latches to detect cracks and corrosion and, prior to further flight, repair or replace any cracked or corroded parts; in accordance with Section III., paragraph H., of the service bulletin. Perform an operational test of the door latch mechanism, in accordance with Section III., paragraph Y., of the service

bulletin. If one or more of the cam latches are repaired and/or reinstalled as a result of the actions required by this paragraph, replace those cam latches in accordance with paragraph (g) of this AD.

(2) For cargo doors with cam latches attached to the bellcrank by axial bolts, determine the configuration of the cam latches, and accomplish the procedures specified in either paragraph (f)(2)(i) or (f)(2)(ii) of this AD:

(i) Replace all cam latches that have cross-bolt holes with cam latches of the new part configuration, in accordance with Section III., paragraph I., of the service bulletin. Perform an operational test of the door latch mechanism, in accordance with Section III., paragraph Y., of the service bulletin. Or

(ii) If the cam latches do not have cross-bolt holes, they may be reinstalled. If the cam latches have cross-bolt holes, inspect those latches to detect cracks; and, prior to further flight, replace any cracked cam latches or reinstall those cam latches that were not found cracked, in accordance with Section III., paragraph J., of the service bulletin. Perform an operational test of the door latch mechanism, in accordance with Section III., paragraph Y., of the service bulletin. If one or more of the cam latches that have cross-bolt holes is reinstalled as a result of the actions required by this paragraph, replace those cam latches in accordance with paragraph (g) of this AD.

(g) Prior to the accumulation 25,000 flight hours after the effective date of this AD, or within 5 years after the effective date of this AD, whichever occurs first, accomplish the procedures specified in either paragraph (g)(1) or (g)(2) of this AD, as applicable, in accordance will Boeing Alert Service Bulletin 747–52A2233, dated August 29, 1991:

(1) If one or more of the cam latches on the lower lobe forward and aft cargo doors and main deck side cargo door was repaired and/or reinstalled in accordance with paragraph (f)(1)(iii) of this AD, replace those cam latches with cam latches of the new part configuration, in accordance with Section III. of the service bulletin. Perform an operational test of the door latch mechanism, in accordance with Section III., paragraph Y., of the service bulletin. Or

(2) If one or more of the cam latches that have cross-bolt holes on the lower lobe forward and aft cargo doors and main deck side cargo doors was reinstalled in accordance with paragraph (f)(2)(ii) of this AD, replace those cam latches with cam latches of the new part configuration, in accordance with Section III. of the service bulletin. Perform an operational test of the door latch mechanism, in accordance with section III., paragraph Y., of the Service bulletin.

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Settle ACO.

(i) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 9, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–16219 Filed 7–9–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 92–NM–107–AD]

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0100 series airplanes. This proposal would require revisions to the FAA-approved Airplane Flight Manual (AFM) to include a minimum speed limitation and to amend weather and automatic flight control and augmentation system (AFCAS) limitations; and a one-time inspection to determine the dimensions of the autopilot input brackets of the rudder post assembly, and replacement of incorrect brackets. This proposal is prompted by a recent report that incorrect brackets were mounted on the rudder post assembly on one of these airplanes. The actions specified by the proposed AD are intended to prevent an incorrect rudder deflection.

DATES: Comments must be received by August 25, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–107–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–107–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–107–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F28 Mark 0100 series airplanes. The RLD advises that there has been a recent report of a mechanical limitation at approximately 29 degrees in one direction on a rudder on a Model F28 Mark 0100 series airplane. Results of a subsequent inspection revealed that incorrect autopilot input brackets were mounted

on the cable quadrant of the rudder post assembly at zone 330. Under certain conditions, these brackets can cause overcentering of the autopilot input bracket and push-pull rod, resulting in the one-sided mechanical restriction described previously. It can also lead to autopilot servo commands, which will deflect the rudder in the opposite direction. This condition, if not corrected, could result in an incorrect rudder deflection.

Fokker has issued Service Bulletin SBF100-027-041, dated February 24, 1992, which describes procedures for a one-time inspection to determine the dimensions of the autopilot input brackets of the rudder post assembly, and replacement of incorrect brackets. The RLD classified this service bulletin as mandatory and issued Netherlands Airworthiness Directive BLA No. 92-034 in order to assure the continued airworthiness of these airplanes in the Netherlands. The Netherlands Airworthiness Directive includes procedures for revising the Airplane Flight Manual (AFM) to include a minimum speed limitation on dry, wet, or icy runways, to amend the maximum allowable cross-wind component for takeoff and landing, and to amend the automatic flight control and augmentation system (AFCAS) limitations.

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require revisions to the FAA-approved AFM to include a minimum speed limitation on dry, wet, or icy runways, to amend the maximum allowable cross-wind component for takeoff and landing, and to amend the AFCAS limitations. This proposed AD would also require a one-time inspection to determine the dimensions of the autopilot input brackets of the rudder post assembly, and replacement of any incorrect brackets found. Once the inspection and any necessary corrective action have been accomplished, the AFM limitations described previously may be removed from the AFM. The inspection (and any necessary replacement) would be required to be accomplished in accordance with the service bulletin described previously.

The proposed compliance time for revising the AFM is 30 days; the proposed compliance time for conducting the inspection is 45 days. These times were developed in consideration of (1) the safety implications, (2) necessary parts availability, (3) normal maintenance schedules for timely accomplishment of the inspection, and (4) the fact that an operator survey indicates that 48 out of 51 affected airplanes have already been modified (brackets replaced). The FAA considers that the compliance times proposed are the maximum intervals allowable for all affected airplanes to continue to operate without compromising safety.

The FAA estimates that 51 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 1 work hour per airplane to accomplish the proposed AFM revision, and 5 work hours per airplane to accomplish the proposed inspection. The average labor rate is $55 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $16,830.

The total cost figure discussed above assumes that no operator has yet accomplished any of the proposed requirements of this AD action. However, a survey conducted of U.S. operators has revealed that, to date, the proposed requirements already have been accomplished on 48 out of the 51 affected airplanes. Therefore, the actual total cost impact of this proposed rule would be substantially less than the figure indicated above.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Fokker: Docket 92-NM-107-AD.

Applicability: Model F28 Mark 0100 series airplanes; serial numbers 11262 through 11267, inclusive, and 11270 through 11376, inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent an incorrect rudder deflection, accomplish the following:

(a) Within 30 days after the effective date of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) as follows. Paragraph (a)(1) of this AD may be accomplished by inserting a copy of this AD into the AFM.

(1) Add the following to section 2.04.01, SPEED LIMITATIONS: "MINIMUM V_1 ON DRY OR WET RUNWAY IS 110 KNOTS. MINIMUM V_1 ON ICY RUNWAY IS 117 KNOTS."

(2) Amend section 2.05.01, WEATHER LIMITATIONS, as follows: "MAXIMUM ALLOWABLE CROSS-WIND COMPONENT FOR TAKEOFF AND LANDING—25 KNOTS"

(3) Amend section 2.08.01, AFCAS LIMITATIONS, as follows: "DO NOT ENGAGE AP WHILE AFCAS IS IN TAKEOFF MODE.

APPROACH/LANDING

IN LAND MODE (GS/LOC IN FMA) DISENGAGE AP AT 1,500 FEET AGL AND CONTINUE APPROACH ON FLIGHT DIRECTOR."

(b) Within 45 days after the effective date of this AD, inspect to determine the dimensions of the autopilot rudder servo input brackets of the rudder post assembly, part numbers 77938-003 and 77939-003; and, if brackets with incorrect dimensions are found, prior to further flight, replace those brackets; in accordance with Fokker Service Bulletin SBF100-027-041, dated February 24, 1992.

(c) After accomplishment of paragraph (b) of this AD, the limitations required by paragraphs (a)(1), (a)(2), and (a)(3) of this AD may be removed from the FAA-approved Airplane Flight Manual.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 25, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-16209 Filed 7-9-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 92-NM-83-AD]

Airworthiness Directives; Fokker Model F28 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F28 series airplanes. This proposal would require installation of an improved top of the center wing-to-fuselage skin connection. This proposal is prompted by several reports of fatigue cracks found in the connection angles that are part of the top of the center wing-to-fuselage skin connection. The actions specified by the proposed AD are intended to prevent failure of the wing-to-fuselage connection.

DATES: Comments must be received by August 25, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-83-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2145; fax (206) 227-1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-83-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-83-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F28 series airplanes. The RLD advises that several operators have reported fatigue cracks in the connection angles that are part of the top of the center wing-to-fuselage skin connection.

There are three versions of the top of the center wing-to-fuselage skin connection. All connection angles are split up into two sections at frame 10790. The first group of Model F-28 series airplanes produced has been equipped with connection angles, installed with sealing angles at frames 9805, 10790, and 11905. Fatigue cracks have been found in these connection angles. Thicker connection angles were installed on the second group of these airplanes. However, fatigue reevaluation revealed that the latter connection angles were also prone to fatigue cracks. Consequently, the last group of these airplanes has been equipped with additional reinforcement angles at frames 10305 and 11405. Although the connection angles of the first group are visually inspected on a regular basis, service experience has shown that sometimes relatively large cracks can be found. Fatigue cracks in these areas, if not corrected, could result in failure of the wing-to-fuselage connection.

Fokker has issued Service Bulletin F28/53-101, dated May 31, 1991, which describes procedures for installation of an improved top of the center wing-to-fuselage skin connection. Fokker recommends the accomplishment of this installation prior to the accumulation of 30,000 landings or prior to June 1, 1997, whichever occurs later. All Model F28 series airplanes should be modified by the June 1, 1997, date; however, the 30,000 landing limit was established for the youngest of the airplanes requiring the installation, which may not reach this number of landings by June 1, 1997. The RLD classified this service bulletin as mandatory and issued Netherlands Airworthiness Directive BLA No. 91-055 in order to assure the continued airworthiness of these airplanes in the Netherlands.

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness

agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require installation of an improved top of the center wing-to-fuselage skin connection. The installation would be required to be accomplished in accordance with the service bulletin described previously. Accomplishment of this installation would constitute terminating action for the repetitive inspection of the connection angles, identified as Item 53–10–14 in the Fokker F28 Structural Integrity Program (SIP), which is required by AD 89–07–16 R1, Amendment 39–6444 (55 FR 266, January 4, 1990).

The installation of an improved top of the center wing-to-fuselage skin connection, as described in the Fokker service bulletin, has been reviewed by the Aviation Rulemaking Advisory Committee (ARAC)-chartered F28 Aging Aircraft Task Group. That group has recommended that the installation be mandatory since it has been found to meet the criteria for mandatory modifications, those necessary to ensure the continuing airworthiness of the aging fleet. The FAA participated in this review and concurred with the recommendation.

The FAA's decision to propose the installation is also based, in part, on the fact that service experience has demonstrated that repetitive inspections currently conducted in the subject area may not be providing the degree of safety assurance necessary for these airplanes. As mentioned previously, although the area is currently subjected to visual inspections on a regular basis, relatively large cracks have been found, indicating that a significant crack growth rate exists. If fatigue cracks were grow to a size where the limit load could not be sustained, failure of the wing-to-fuselage connection could occur. Should total failure occur, the wing could separate from the fuselage.

Additionally, inspection of the subject area is time-consuming: Gaining access to the area requires at least 4 work hours and includes the removal of passenger seats, access panels, floor panels, fairing panels, and interior/soundproofing panels, and, on some airplanes, the removal of the center-wing bag tanks. Conducting a visual inspection of the area requires at least 2 work hours.

In light of these items, the FAA has determined that long term continued operational safety will be better assured by actual modification of the airframe to remove the source of the problem, rather than by repetitive inspections. This, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has led the FAA to consider placing less emphasis on special procedures and more emphasis on design improvements. The installation proposed by this proposed AD action is in consonance with those considerations.

The FAA estimates that 44 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 450 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $3,600 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $1,247,400. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Fokker: Docket 92–NM–83–AD.

Applicability: Model F28 series airplanes; serial numbers 11003 through 11161, inclusive, 11991, and 11992; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent potential failure of the wing-to-fuselage connection, accomplish the following:

(a) Prior to the accumulation of 30,000 landings, or prior to June 1, 1997, whichever occurs later, install improved connection angles with reinforcement angles, in accordance with Fokker Service Bulletin F28/53–101, dated May 31, 1991.

(b) Accomplishment of the installation required by paragraph (a) of this AD constitutes terminating action for the inspection identified as item 53–10–14 in the Fokker F28 Structural Integrity Program (SIP), which is required by AD 89–07–16 R1, Amendment 39–6444.

(c) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 25, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–16211 Filed 7–9–92; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 92-NM-92-AD]

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes. This proposal would require replacing certain existing emergency evacuation slides/rafts with modified slides/rafts. This proposal is prompted by the results of two evacuation demonstrations that revealed buckling of the evacuation slides/rafts and poor visibility of the slides for passengers evacuating during night lighting conditions. This condition, if not corrected, could delay or impede the evacuation of passengers during an emergency.

DATES: Comments must be received by August 25, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-92-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90846-0001, Attention: Business Unit Manager, Technical Publications—Technical Administrative Support, C1-L5B. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. J. Layton Walker, Los Angeles Aircraft Certification Office, ANM-131L, FAA, Transport Airplane Directorate, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5339; fax (310) 988-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-92-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-92-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

Following two evacuation demonstrations on McDonnell Douglas Model MD-11 airplanes, buckling of the evacuation slides/rafts was observed at the number 2 and 4 passenger doors. At the overwing door, the ramp portion of the slide/raft moved forward on the wing, which caused the slide to tilt, thus impeding the evacuation. Poor visibility of the evacuation slides/rafts also was noted during demonstrations that were conducted under night lighting conditions. This caused hesitation among test evacuees in jumping onto the slides and impeded rapid evacuation of the airplane. This condition, if not corrected, could cause delays or impede the evacuation of passengers during an emergency.

The FAA has reviewed and approved McDonnell Douglas Service Bulletin 25-87, dated January 23, 1992; and McDonnell Douglas Service Bulletin 25-116, Revision 1, dated May 15, 1992; that describe procedures for installing placards on the slide/rafts, and replacing existing emergency evacuation slides/rafts with modified ones at forward, mid, overwing, and aft passenger doors. Among other things, the modified slide/rafts incorporate (1) new emergency lighting that provides a higher level of illumination of side lanes, (2) deceleration pads at the runway end of the slide/raft, and (3) improved inflate/deflate valves. (These McDonnell Douglas service bulletins refer to several Air Cruisers service bulletins for additional information.)

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require replacing certain existing emergency evacuation slides/rafts with modified slides/rafts. The actions would be required to be accomplished in accordance with the McDonnell Douglas service bulletins described previously.

The FAA proposes a three-tier compliance time for the replacement of currently installed slide/rafts with modified evacuation slides. The proposed compliance times were developed primarily from data obtained from evacuation demonstrations performed on Model MD-11 and Model DC-10 series airplanes. The FAA reviewed the results of evacuation demonstrations that relate to the number of passengers successfully egressing, the time required for egressing, the number of passenger seats and passenger configuration, and, especially, the number of passenger seats located in the aft section of the plane. Based on this data, the FAA is proposing a compliance time of 12 months for the replacement on airplanes with interior passenger seating configurations not exceeding 306, and the number of passenger seats in the zone between doors 3 and 4 not exceeding 165. The FAA is proposing a compliance time of 6 months for the replacement on airplanes with interior passenger seating configurations from 307 to 381, inclusive, and the number of passenger seats in the zone between doors 3 and 4 not exceeding 165.

Because approval of airplanes having a passenger configuration not exceeding 381, and with more than 165 passengers in the zone between doors 3 and 4, is based partially on actual demonstrated data and partially on analysis, the risk potential is higher for these airplanes. Therefore, the FAA considers that the affected slides on these airplanes must be replaced expeditiously, and is proposing a 3 month compliance time for those airplanes.

McDonnell Douglas has advised the FAA that there are Model MD-11 series airplanes that have passenger configurations exceeding 381 (but none that exceed 399 passenger seats). In order for these planes to be FAA-approved, the modified evacuation

slides/rafts (as addressed in this AD action) must be installed during production. For this reason, airplanes having these passenger configurations are not addressed in this proposed AD action.

The proposed compliance times were also developed with respect to potential problems with parts availability. The manufacturer of the modified slides has advised the FAA that, at this time, it can not provide all the slides needed to modify all Model MD–11 series airplanes in the fleet at one time. This manufacturer will necessitate a timeframe of approximately 12 months to supply the in-service fleet.

There are approximately 57 Model MD–11 airplanes of the affected design in the worldwide fleet. The FAA estimates that 20 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 28 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $28,000 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $590,800, or $29,540 per airplane. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Docket 92–NM–92–AD.

Applicability: Model MD–11 series airplanes; operating in an ll-passenger configuration, or in any combination of passenger and main deck cargo configurations; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

Note: Model MD–11 series airplanes that are operated as freighters may continue to use the existing unmodified slides at door number 1. Should any of these airplanes be converted to an all-passenger configuration, or any combination of passenger and main deck cargo configurations, the requirements of this AD must be accomplished.

To prevent buckling of the evacuation slides/rafts and poor visibility during night lighting conditions, which could delay or impede the evacuation of passengers during an emergency, accomplish the following:

(a) For Model MD–11 series airplanes with interior passenger seating configurations not exceeding 306, and the number of passenger seats in the zone between doors 3 and 4 not exceeding 165: Within 12 months after the effective date of this AD, replace existing evacuation slides/rafts with modified slides/rafts, part numbers 60289–115 or –117; 60290–115; 60291–115; and 60291–116; in accordance with the Accomplishment Instructions of McDonnell Douglas Service Bulletin 25–87, dated January 23, 1992; and McDonnell Douglas Service Bulletin 25–116, Revision 1, dated May 15, 1992.

(b) For Model MD–11 series airplanes with interior passenger seating configurations from 307 to 381, inclusive, and the number of passenger seats in the zone between doors 3 and 4 not exceeding 165: Within 6 months after the effective date of this AD, replace existing evacuation slides/rafts with modified slides/rafts, part numbers 60289–115 or –117; 60290–115; 60291–115; and 60291–116; in accordance with the Accomplishment Instructions of McDonnell Douglas Service Bulletin 25–116, Revision 1, dated May 15, 1992.

(c) For Model MD–11 series airplanes with interior passenger seating configurations not exceeding 381, and more than 165 passenger seats in the zone between doors 3 and 4: Within 3 months after the effective date of this AD, replace existing evacuation slides/rafts with modified slides/rafts part numbers 60289–115 or –117; 60290–115; 60291–115; and 60291–116; in accordance with the Accomplishment Instructions of McDonnell Douglas Service Bulletin 25–87, dated January 23, 1992; and McDonnell Douglas Service Bulletin 25–116, Revision 1, dated May 15, 1992.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 25, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–16210 Filed 7–9–92; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 92–NM–96–AD]

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Fokker Model F28 Mark 0100 series airplanes equipped with certain main landing gear (MLG) downlock actuator mechanisms. This proposal would require modification of certain MLG downlock actuator mechanisms. This proposal is prompted by reports that a number of MLG's have failed to give a downlock indication on the first gear down selection. The actions specified by the proposed AD are intended to prevent false indications to the crew that the landing gear is not down and locked.

DATES: Comments must be received by August 24, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–96–

AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2145; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92–NM–96–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 92–NM–96–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, recently notified the FAA that an unsafe condition may exist on all Fokker Model F28 Mark 0100 series airplanes equipped with certain main landing gear (MLG) downlock actuator mechanisms. The RLD advises that there have been reports that a number of MLG's have failed to give a downlock indication on the first gear down selection. Positive downlock indication was achieved in all cases when landing gear selection cycles were repeated. Further investigation revealed that the problem is caused by an incorrect adjustment and operation of the downlock actuator. This condition, if not corrected, could result in false indications to the crew that the landing gear is not down and locked.

Fokker has issued Service Bulletin SBF100–32–052, dated May 1, 1991, which describes procedures for modification of the MLG downlock actuator mechanism. This modification involves inspecting and reworking the cylinder, end fitting, nut, and spring, as necessary. (The service bulletin also references Dowty Service Bulletins F100–32–45, dated March 14, 1991, and F100–32–46, dated March 18, 1991, as additional sources of information.) The RLD classified the Fokker service bulletin as mandatory and issued Netherlands Airworthiness Directive BLA No. 91–031 in order to assure the continued airworthiness of these airplanes in the Netherlands.

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require modification of the MLG downlock actuator mechanism. The actions would be required to be accomplished in accordance with the Fokker service bulletin described previously.

Additionally, operators of certain airplanes would be required to submit a report to Fokker of any suspect downlock actuators found installed on the airplane.

The FAA estimates that 26 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 10 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $14,300. This total cost figure assumes that no operator has yet accomplished the proposed requirements of this AD action.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES.**"

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Fokker: Docket 92-NM-96-AD.

Applicability: All Model F28 Mark 0100 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously. To prevent false indications to the crew that the landing gear is not down and locked, accomplish the following:

(a) Within 120 days after the effective date of this AD, inspect the downlock actuator nameplate, part number 201218001 or 201218002, in accordance with Fokker Service Bulletin SBF100-32-052, dated May 1, 1991.

(1) If "Dowty Service Bulletin F100-32-45" is identified on the nameplate, no further action is required by this AD.

(2) If "Dowty Service Bulletin F100-32-45" is *not* identified on the nameplate, replace the downlock actuator with one that has "Dowty Service Bulletin F100-32-45" identified on the nameplate, in accordance with Fokker Service Bulletin SBF100-32-052, dated May 1, 1991.

(b) For airplanes having serial numbers 11333 and subsequent: If "Dowty Service Bulletin F100-32-45" is *not* identified on the downlock actuator nameplate, within 10 days after accomplishing the requirements of paragraph (a)(2) of this AD, report that finding to Fokker, Fleet Airworthiness (Ref: EQFA); telephone 011-31-20-605-3087; fax 011-31-20-605-2590 or 011-31-20-605-6690. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 23, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-16212 Filed 7-9-92; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 92-NM-123-AD]

Airworthiness Directives; Boeing Model 747-400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to Boeing Model 747-400 series airplanes, that currently requires repetitive inspections to detect damage, chafing, and proper clearance of the electrical power feeder cables and engine fuel supply tube, and corrective action, if necessary. The actions specified by that AD are intended to prevent a fire in the number two and number three engine struts. This action would require a modification of the electrical power feeder cable installation that would constitute terminating action for the required inspections.

DATES: Comments must be received by August 24, 1992.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-123-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Regimbal, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2687; fax (206) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 92-NM-123-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 92-NM-123-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

Discussion

On February 11, 1992, the FAA issued AD 92-05-01, Amendment 39-8180 (57 FR 6665, February 27, 1992), to require repetitive inspections of the engine number two and engine number three upper strut wing leading edge compartments to detect damage, chafing, and proper clearance of the fuel supply tube and the electrical power feeder cables, and corrective action, if necessary. That action originally was prompted by a fire that occurred in engine strut number two of a Model 747-400 series airplane. The fire appeared to have been caused by electrical arcing between the number one engine electrical power feeder cable and the engine number two fuel feed line in the upper strut wing leading edge compartment of engine strut number two. Arcing could result from chafing or other damage to the electrical feeder cables. Arcing in this location could create a hole in the fuel tube and provide a simultaneous ignition source. The requirements of that AD are intended to prevent a fire in the number two and number three engine struts.

When AD 92-05-01 was issued, it contained a provision for an optional modification of the electrical power feeder cable installation in the number

two and number three engine struts, which, if installed, would constitute terminating action for the required repetitive inspections. In the preamble to AD 92-05-01, the FAA indicated that it intended to revise that AD to require the installation of the modification of the electrical power feeder cable installation. This action proposes such a requirement.

The FAA previously reviewed and approved Boeing Alert Service Bulletin 747-24A2168, Revision 1, dated December 5, 1991, which describes procedures for inspection for proper clearance between the power feeder cables and fuel tube, and procedures for modification of the engine number two and engine number three upper strut wing leading edge compartments. The modification consists of the installation of a new cable support bracket. Once this modification is installed, repetitive inspections for clearance between the cables are no longer necessary.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 92-05-01 to continue to require inspections for chafing, damage, and proper clearance between the engine power feeder cables and fuel tube, and corrective action, if necessary. It would also require the eventual modification of the engine number two and engine number three upper strut wing leading edge compartments. Accomplishment of the modification would constitute terminating action for the repetitive inspections. The actions would be required to be accomplished in accordance with the service bulletin described previously.

This proposed action is based on the FAA's determination that long term continued operational safety will be better assured by design changes to remove the source of the problem, rather than by repetitive inspections. Long term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous repetitive inspections, has led the FAA to consider placing less emphasis on special procedures and more emphasis on design improvements. The proposed modification requirement is in consonance with these considerations.

There are approximately 184 Model 747-400 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 22 airplanes of U.S. registry would be affected by this proposed AD.

The inspections currently required by AD 92-05-01 take approximately 4 work hours per airplane to accomplish, at an average labor rate of $55 per work hour. Based on these figures, the total cost impact associated with the current inspection requirements of AD 92-05-01 on U.S. operators is $4,840, or $220 per airplane.

The modification that would be required by this proposed AD would require approximately 6 work hours to accomplish, at an average labor rate of $55 per work hour. Required parts would be supplied by the manufacturer at no cost to operators. Based on these figures, the total cost impact of the proposed modification requirements of the AD on U.S. operators is estimated to be $7,260, or $330 per airplane.

Based on the figures discussed above, the (combined) total cost impact of this AD on U.S. operators would be approximately $12,100, or $550 per airplane.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8180 (57 FR 6665, February 27, 1992), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 92-NM-123-AD. Supersedes AD 92-05-01, Amendment 39-8180.

Applicability: Model 747-400 series airplanes, line numbers 696 to 843, 845 to 850, 852 to 870, 872 to 875, 877, 880 to 884, and 887; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent fire within the engine strut, accomplish the following:

(a) For airplanes having line numbers 696 through 734, inclusive: Within 10 days after February 18, 1992 (the effective date of AD 91-20-51, amendment 39-8152), inspect the electrical power feeder cables and the engine fuel supply tube in engine struts two and three for damage or chafing and minimum clearance of 0.375 inch, in accordance with Boeing Alert Service Bulletin 747-24A2168, dated September 24, 1991, or Revision 1, dated December 5, 1991. If damage is found or if clearance is not within the specified limits, prior to further flight, repair any damage in accordance with that service bulletin, and relocate the electrical power feeder cables so that the clearance is more than 0.375 inch. Repeat this inspection at the intervals specified in either paragraph (a)(1) or (a)(2) of this AD, as applicable:

(1) If the clearance is less than 0.75 inch, repeat the inspection at intervals not to exceed 500 flight hours.

(2) If the clearance is 0.75 inch or greater, repeat the inspection at intervals not to exceed 1,000 flight hours.

(b) For airplanes having line numbers 735 to 843, 845 to 850, 852 to 870, 872 to 875, 877, 880 to 884, and 887: Within 30 days after March 13, 1992 (the effective date of AD 92-05-01, amendment 39-8180), inspect the electrical power feeder cables and engine fuel supply tube in engine strut number three for damage or chafing and minimum clearance of 0.375 inch, in accordance with Boeing Alert Service Bulletin 747-24A2168, Revision 1, dated December 5, 1991. If damage is detected or if clearance is not greater than the specified limits, prior to further flight, repair any damage in accordance with that service bulletin, and relocate the electrical power feeder cables so that the clearance is more than 0.375 inch. Repeat this inspection at the intervals specified in either paragraph (b)(1) or (b)(2) of this AD, as applicable:

(1) If the clearance is less than 0.75 inch, repeat the inspection at intervals not to exceed 500 flight hours.

(2) If the clearance is 0.75 inch or greater, repeat the inspection at intervals not to exceed 1,000 flight hours.

(c) Within 12 months after the effective date of this AD, modify the electrical power feeder cable installation in engine struts two and three, in accordance with Phase II of Boeing Alert Service Bulletin 747-24A2168, Revision 1, dated December 5, 1991. Accomplishment of this modification constitutes terminating action for the inspections required by paragraphs (a) and (b) of this AD.

(d) An alternative method of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(e) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on June 24, 1992.

Bill R. Boxwell,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92-16213 Filed 7-9-92; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 92-ANM-1]

Proposed Establishment of Transition Area; Salmon, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish 700-foot transition area at Salmon, Idaho, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Lemhi County Airport, Salmon, Idaho. The intent of the proposal is to accurately define controlled airspace for pilot reference. The airspace would be depicted on aeronautical charts.

DATES: Comments must be received on or before August 15, 1992.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Docket No. 92-ANM-1, 1601 Lind Avenue SW., Renton, WA 98055-4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, ANM-535, Federal Aviation Administration, Docket No. 92-ANM-1, 1601 Lind Avenue SW., Renton, WA 98055-4056, Telephone: (206) 227-2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 92-ANM-1." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Federal Aviation Administration, 1601 Lind Avenue SW., Renton, Washington, 98055-4056, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, 1601 Lind Avenue SW., Renton, Washington, 98055-4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA proposes an amendment to § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a 700-foot transition area Salmon, Idaho, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Lemhi County Airport, Salmon, Idaho. Transition areas are published in section 71.181 of Handbook 7400.7 effective November 1991, which is incorporated by reference in 14 CFR 71.1. The transition area listed in this document would be published subsequently in the Handbook.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Transition areas.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.181 Designation

* * * * *

Salmon, Idaho [New]

That airspace extending from 700 feet above the surface within an area bounded by a line beginning at lat. 45°25'10" N, long. 114°05'00" W, to lat. 45°25'10" N, Long. 113°48'15" W, to lat. 45°07'20" N, Long. 113°39'10" W, to lat. 44°48'10" N, Long. 114°17'45" W, to lat. 44°58'30" N, Long. 114°28'15" W, to lat. 45°09'00" N, ⅓ Long. 114°09'20" W, thence to point of beginning.

* * * * *

Issued in Seattle, Washington, on June 25, 1992.

Helen M. Parke,

Assistant Manager, Air Traffic Division.

[FR Doc. 92-16208 Filed 7-9-92; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 133

Exchange of Briefs in Copyright Infringement Actions

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Custom Regulations to provide that in cases where imported goods are detained on suspicion of copyright infringement, the importer and copyright owner shall first provide each other with a copy of all additional evidence, briefs, or other material, which each will submit to Customs in regard to the disputed claim of infringement, and shall accompany the submission of this information to Customs with a written statement confirming that a copy has already been provided to the opposing party.

It is also proposed to amend the Customs Regulations to expressly provide that when the copyright owner has posted the required bond necessary to protect the importer from possible loss or harm should the detained article be found noninfringing, such bond may not be withdrawn by the copyright owner until a decision on the issue of infringement has been reached.

Affording each party the opportunity, as a matter of course, to view and respond to the opposing presentation will result in reduced costs and increased efficiency for Customs by eliminating individual requests having to be processed under the Freedom of Information Act (FOIA) to obtain these materials, in addition to producing more accurate and better informed follow-up submissions by these parties, and better decision-making by Customs.

DATES: Comments must be submitted on or before September 8, 1992.

ADDRESSES: Comments (preferably in triplicate) must be submitted to and may be inspected at the Regulations and Disclosure Law Branch, room 2119, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: John F. Atwood, International Trade Compliance Division, (202)-566-6956.

SUPPLEMENTARY INFORMATION:

Background

Section 133.43(c)(1), Customs Regulations (19 CFR 133.43(c)(1)), currently provides, in cases where goods are detained by Customs on suspicion of copyright infringement, that the importer and the copyright owner may submit legal briefs and other pertinent materials to Customs in support of their respective positions on the disputed claim of infringement. These submissions are forwarded to Customs Headquarters for decision. Very often, however, the copyright owner and the importer will request a copy of the other's brief and related materials, under the Freedom of Information Act (FOIA), 5 U.S.C. 552. After a copy of the other's submission is received under the FOIA, a rebuttal argument is then usually made to Customs.

In order to respond to the concerns of each party that Customs facilitate the opportunity to view and address the arguments presented by the opposing party, it has been determined that an amendment to § 133.43(c)(1), Customs Regulations (19 CFR 133.43(c)(1)), is necessary, in order to provide one such opportunity, automatically, during the decision-making process.

Accordingly, in cases where imported goods are detained on suspicion of copyright infringement, it is proposed to amend the Customs Regulations to provide that the importer and copyright owner shall first provide each other with a copy of all additional evidence, legal briefs, or other material, which each will submit to Customs in regard to the disputed claim of infringement, and shall accompany the submission of this information to Customs with a written statement confirming that a copy has already been provided to the opposing party.

Affording each party the opportunity, as a matter of course, to view and respond to the opposing presentation will result in reduced costs and increased efficiency for Customs by eliminating individual requests having to be processed under the FOIA to obtain these materials, in addition to producing more accurate and better informed follow-up submissions by these parties, and better decision-making by Customs.

Furthermore, it is also proposed in this connection to amend § 133.43(c)(4) to expressly provide that when a copyright owner has posted the required bond necessary to protect the importer from possible loss or harm should the detained article be found noninfringing (see 19 CFR 133.43(b)(2)), such bond may not be withdrawn by the copyright owner until a decision on the issue of infringement has been reached.

Comments

Before adopting this proposal, consideration will be given to any written comments (preferably in triplicate) that are timely submitted. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on normal business days between the hours of 9 a.m. to 4:30 p.m. at the Regulations and Disclosure Law Branch, Customs Service Headquarters, room 2119, 1301 Constitution Avenue, NW., Washington, DC.

Regulatory Flexibility Act

Under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that, if adopted, this proposed amendment will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

Because the document does not meet the criteria of a "major rule" as defined in § 1(b) of E.O. 12291, a regulatory impact analysis is not required.

Paperwork Reduction Act

No new recordkeeping or data collection burdens are imposed upon the public as a result of the proposed amendment. Accordingly, it is not subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Drafting Information

The principal author of this document was Russell Berger, Regulations and Disclosure Law Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 133

Copyrights, Customs duties and inspection, Imports, Reporting and recordkeeping requirements, Trade names, Trademarks.

Proposed Amendment

It is proposed to amend part 133, Customs Regulations (19 CFR part 133), as set forth below.

PART 133--TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

1. The authority citation for part 133 would be revised, and would include the specific sectional authority thereunder, as follows:

Authority: 17 U.S.C. 101, 601, 602, 603; 19 U.S.C. 66, 1624; 31 U.S.C. 9701.

Section 133.1 also issued under 15 U.S.C. 1096, 1124.

Sections 133.2 through 133.7, 133.11 through 133.13, and 133.15 also issued under 15 U.S.C. 1124.

Section 133.21 also issued under 15 U.S.C. 1124, 19 U.S.C. 1526.

Sections 133.24 and 133.46 also issued under 19 U.S.C. 1623.

Section 133.53 also issued under 19 U.S.C. 1558(a).

2. It is proposed to amend § 133.43 by revising paragraphs (c)(1) and (c)(4), to read as follows:

§ 133.43 Procedure on suspicion of infringing copies.

* * * * *

(c) * * *

(1) *Demand and bond; exchange of briefs.* If the copyright owner files a written demand for exclusion of the suspected infringing copies together with a proper bond, the district director shall promptly notify the importer and copyright owner that, during a specified time limited to not more than 30 days, they may submit any further evidence, legal briefs or other pertinent material to substantiate the claim or denial of infringement. The burden of proof shall be upon the party claiming that the article is in fact an infringing copy.

(i) *Exchange of briefs.* Before timely submitting the additional evidence, legal briefs, or other pertinent material to Customs, pursuant to paragraph (c)(1) of this section, in regard to the disputed claim of infringement, the importer and the copyright owner shall first provide each other with a copy of all such information. The subsequent submission of this information to Customs shall be accompanied by a written statement confirming that a copy has already been provided to the opposing party. The district director shall notify the importer and the copyright owner that they shall have additional time, not to exceed 30 days, in which to provide a response to the arguments submitted by the opposing party, and that rebuttal arguments, timely submitted, shall be fully considered in the decision-making process.

(ii) *Decision.* Upon receipt of rebuttal arguments, or 30 days after notification if no rebuttal arguments are submitted, the district director shall forward the entire file, together with a sample of each style that is considered possibly infringing, to Customs Headquarters, (Attention: International Trade Compliance Division, Office of Regulations and Rulings), for decision on the disputed claim of infringement. The final decision on the disputed claim of infringement shall be forwarded to the district director who shall send a copy thereof to the copyright owner as well as to the importer.

* * * * *

(4) *Withdrawal of bond.* Where the copyright owner has posted a bond on the grounds that the imported article is infringing, the copyright owner may not withdraw the bond until a decision on the issue of infringement has been reached.

* * * * *

Carol Hallett,

Commissioner of Customs.

Approved: June 10, 1992.

Peter K. Nunez,

Assistant Secretary of the Treasury.

[FR Doc. 92-16156 Filed 7-9-92; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD1 92-057]

Special Local Regulation: Gateway Powerboat Regatta, Greenwich and Stamford, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary special local regulation for the Gateway Powerboat Regatta. The regatta will be held on Saturday, August 22, 1992, in the waters of Long Island Sound adjacent to the harbors of Greenwich and Stamford, Connecticut. This regulation is needed to protect the boating public from the hazards associated with high speed powerboat racing in confined waters.

DATES: Comments must be received on or before August 1, 1992.

ADDRESSES: Comments should be mailed to the Commander, First Coast Guard District, Boating Safety Division, 408 Atlantic Ave., Boston, MA 02110-3350, or may be delivered to room 428 at the address listed above, between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) E.G. Westerberg, Chief, Boating Safety Affairs Branch, First Coast Guard District, (617) 223-8310.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD1 92-057) and the specific section of the proposal to which their comment applies, and give reason for each comment. Persons requesting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Boating Safety Division at the address under "**ADDRESSES**". If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register.**

Drafting Information

The drafters of this notice are LTJG E.G. Westerberg, Project Manager, First Coast Guard District, and LCDR J. Astley, Project Attorney, First Coast Guard District, Legal Office.

Background and Purpose

On April 20, 1992 the sponsor, Gateway Powerboat Association, Inc., submitted a request to hold an offshore powerboat race on Long Island Sound. The Coast Guard is considering establishing temporary regulations in Long Island Sound for this event known as the "Gateway Powerboat Regatta." The proposed rule would establish a regulated area in Long Island Sound and provide specific guidance to control vessel movement during the limited timeframe of the race.

This event will include up to 40 powerboats competing on a rectangular course at speeds approaching 100 m.p.h. Due to the inherent dangers of a race of this type, restriction of traffic will be temporarily effected to promote the safe navigation of the other users of Long Island Sound.

The sponsors, Gateway Powerboat Association, Inc. have previously conducted this event in Long Island Sound in 1987 and 1988. This year's race will follow a similarly marked course and the same regulations as set forth in the previous years. By providing sufficient lead time, the U.S. Coast Guard in cooperation with Gateway Powerboat Association, Inc., is attempting to minimize any burden to the users of the waterway.

Discussion of Proposed Amendments

The Coast Guard proposes to require Special Local Regulations on specified waters of Long Island Sound adjacent to the harbors of Stamford and Greenwich, Connecticut. The event will close the regulated area to all traffic from 10:00 a.m. to 3:00 p.m. on August 22, 1992. This closure is needed to protect spectators and participants from the hazards that accompany a high speed powerboat race.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a Regulatory Evaluation is unnecessary due to the limited duration of the race, the extensive advisories that have been and will be made to the affected maritime community, and the fact that the major portion of the vent is taking place on a Saturday afternoon, which is normally a very light volume day for commercial marine traffic.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

The Coast Guard expects the impact of this proposal to be minimal. Because of the limited duration of the race and the fact that the event is taking place on a Saturday, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section, § 100.35T01–057 is added to read as follows:

§ 100.35T01–057 Gateway Powerboat Regatta, Stamford and Greenwich, CT.

(a) *Regulated area.* The regulated area will include all waters within the following points:

Latitude	*Longitude*
40°55.7'N	73°37.5'W
40°57.6'N	73°32.9'W
40°58.8'N	73°33.8'W
40°57.0'N	73°38.4'W

(b) *Special local regulations.* (1) Commander, U. S. Coast Guard Group Long Island Sound reserves the right to delay, modify or cancel the race as conditions or circumstances require.

(2) No person or vessel may enter, transit, or remain in the regulated area during the effective period of regulation unless participating in the event as authorized by the sponsor or the Coast Guard. The Patrol Commander, as delegated by the Commander, Coast Guard Group Long Island Sound, will attempt to minimize any delays for commercial vessels transiting the area and will monitor channel 16 VHF–FM.

(3) All persons and vessels shall comply with the instructions of the Commander, U.S. Coast Guard Group Long Island Sound or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(c) *Effective period.* This regulation will be effective from 10 a.m. through 3 p.m. on August 22, 1992.

Dated: June 18, 1992.

K. W. Thompson,

CAPT, U.S. Coast Guard Commander, First Coast Guard District, Acting.

[FR Doc. 92–16248 Filed 7–9–92; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 117

[CGD5–90–026]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Elizabeth River, Southern Branch, Chesapeake, VA

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard is issuing a revised proposal for the operation of the Dominion Boulevard drawbridge across the Atlantic Intracoastal Waterway, Southern Branch of the Elizabeth River, mile 8.8, in Chesapeake, Virginia, which would change the time of the morning rush hour restrictions on drawbridge openings, extend the evening rush hour restrictions, and allow commercial vessels passage through the bridge at any time. This proposal is intended to provide for regularly scheduled drawbridge openings to help reduce motor vehicle traffic delays and congestion on the roads and highways linked by this drawbridge.

DATES: Comments must be received on or before August 24, 1992.

ADDRESSES: Comments should be mailed to Commander (ob), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004. The comments and other materials referenced in this notice will be available for inspection and copying at the above address, room 507, between 8

a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (804) 398–6222.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are Linda L. Gilliam, Project Officer, and LT Monica L. Lombardi, Project Attorney.

Regulatory History

The original proposal was published on August 6, 1990, in the Federal Register (55 FR 31846). It would have closed the Dominion Boulevard Bridge to recreational, commercial, and public vessels of the United States during morning and evening rush hours, Monday through Friday, from 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m., but allow the draw to open on signal at all times for vessels in distress. The Commander, Fifth Coast Guard District, also published the proposed rule as a public notice on August 7, 1990, and interested persons were given until September 20, 1990, to submit comments. Based on the comments received from the commercial maritime industry, a supplemental public notice was issued on September 17, 1990, extending the comment period to October 22, 1990, to give them additional time to submit their comments.

Discussion of Comments

As a result of the proposed rule and the public notice, comments were received from the motoring public and the maritime industry. The motorists were all in favor of closing the bridge to navigation during the morning and evening rush hours, since elimination of draw openings would help reduce traffic disruption, delays, congestion and minor accidents. The maritime industry was against such restrictions based on economic impact, and waterway safety concerns.

The comments indicated that the proposed three hour restriction in the morning and the evening was too severe and would cause undue hardships for waterway traffic transiting on the Southern Branch of the Elizabeth River. The Coast Guard issued a supplemental proposed rule with shorter proposed morning and evening rush hour restrictions. The proposed new hours of restriction were from 6:30 a.m. to 7:30 a.m. and 3:30 p.m. to 5 p.m., Monday through Friday. All vessel traffic was still restricted, except vessels in distress. This supplemental proposed rule (56 FR 35839) was published on July 29, 1991, with the comment period ending September 12, 1991. A supplemental public notice was issued September 5, 1991, extending the comment to October 12, 1991, to allow the maritime industry more time to submit comments on the supplemental proposed rule.

As a result of the supplemental proposed rule and the public notice issued on August 1, 1991, comments were received from the maritime community and the motoring public. The comments from the motorists again were all in favor of the proposed restrictions during peak traffic hours. The majority of the comments from the motorists suggested extending the morning and evening rush hours. All suggestions varied on the appropriate hours of restriction. The comments from the commercial maritime industry were opposed to restricting the drawbridge based on such factors as economic impact concerns and safety. This current supplemental proposed rule is also being issued in response to a resolution forwarded to the U.S. Coast Guard by the City of Chesapeake requesting that the proposed regulations for this drawbridge restrict openings to recreational vessels only during hours that better reflect peak highway traffic usage to help reduce traffic congestion, but remain open on signal during the rest of the time.

Discussion of Proposed Rule

The Coast Guard now proposes to amend the regulations governing operation of the drawbridge across the Southern Branch of the Elizabeth River at mile 8.8 in Chesapeake, by restricting bridge openings from 7 a.m. to 8 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, for the passage of pleasure craft. Commercial vessels and public vessels of the United States would be allowed to pass at any time. This proposal responds to requests from concerned motorists and the City of Chesapeake to restrict openings during peak highway traffic hours to help reduce traffic congestion, but remain open on signal the rest of the time. This bridge currently opens on signal at all times. The Coast Guard expects that the restrictions on drawbridge openings in the morning and the evening will not be unduly restrictive to recreational boaters. The hours of restriction the Coast Guard is proposing are from 7 a.m. to 8 a.m. and 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays. These hours should reduce traffic congestion on the bridge and the highways linked by the bridge and the risk of safety hazards on the water for waterway traffic while still providing for the reasonable needs of recreational vessels along this waterway.

Request for Comment

Persons submitting comments should include their name and address, identify the bridge, and give reasons for any recommended changes to the proposed rule. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope. The Commander, Fifth Coast Guard District, will evaluate all communications received and determine a final course of action on this supplemental proposal. This rule may be changed based on comments received.

Regulatory Evaluation

These proposed regulations are considered to be non-major under Executive Order 12291 and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of the proposed regulation on commercial navigation or on any industries that depend on waterborne transportation will be nonexistent. Because the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the U.S. Coast Guard must consider whether proposed rules will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). The Coast Guard will accept comments on the economic impact on small entities, in connection with the proposal for permanent regulations, and consider them at that time.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule will not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g(5) of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 117 of Title 33, Code of Federal Regulations to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. In § 117.997, paragraphs (d) and (e) are redesignated as paragraphs (e) and (f) and a new paragraph (d) is added to read as follows:

§ 117.997 Atlantic Intracoastal Waterway, South Branch of the Elizabeth River to the Albemarle and Chesapeake Canal.

* * * * *

(d) The draw of the Dominion Boulevard Bridge, mile 8.8, in Chesapeake shall open on signal, except:

(1) From 7 a.m. to 8 a.m. and from 4 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draw need not be opened for the passage of pleasure craft.

(2) Vessels in an emergency involving danger to life or property shall be passed at any time.

* * * * *

Dated: June 25, 1992.

W.T. Leland,

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 92–16247 Filed 7–9–92; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AF44

Diseases Associated With Service in the Republic of Vietnam

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations concerning presumptive service connection for certain diseases even though there is no record of the disease during service. This proposed amendment is necessary because Congress has added certain diseases associated with military service in the Republic of Vietnam during the Vietnam era to those diseases subject to presumptive service connection. The intended effect of this amendment is to assure that the regulations accurately reflect all the conditions to which presumptive service connection may be applied.

DATES: Comments must be received on or before August 10, 1992. Comments will be available for public inspection until August 19, 1992. The change is proposed to be effective February 6, 1991, the date the legislation was signed into law.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this change to Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 170, at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), until August 19, 1992.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, (202) 233–3005.

SUPPLEMENTARY INFORMATION: Section 2 of the Agent Orange Act of 1991, Public Law 102–4, 105 Stat. 11 (1991), added 38 U.S.C. 1116 (formerly 316) to establish a presumption of service connection for veterans with service in the Republic of Vietnam during the Vietnam era who subsequently develop, to a degree of 10 percent or more, non-Hodgkin's lymphoma, soft-tissue sarcoma (subject to specified statutory exceptions), and chloracne or other acneform disease consistent with chloracne, even though there is no record of that disease during military service. Qualifying skin conditions must have become manifest to a degree of 10 percent or more within one year of the last date of service in the Republic of Vietnam during the Vietnam era.

The term "soft-tissue sarcoma" is an imprecise term and there is no standard list of conditions which is universally accepted within the medical community as a definitive listing of "soft-tissue sarcomas". Although Congress has specifically excluded osteosarcoma, chondrosarcoma, Kaposi's sarcoma, and mesothelioma by statute, they have offered no specific guidance as to which other tumors they consider to be soft-tissue sarcomas.

VA has previously addressed the issue of what the term soft-tissue sarcoma encompasses for the purpose of amending 38 CFR 3.311a, to implement a determination by the Secretary of Veterans Affairs in accordance with the Veterans' Dioxin and Radiation Exposure Compensation Standards Act, Public Law 98–542. Public Law 98–542 provided that the Secretary, after receiving the advice of the Veterans Advisory Committee on Environmental Hazards (VACEH), will make a determination based upon "sound medical and scientific evidence", with respect to whether service connection will be granted for a particular disease. Based upon advice from VACEH and the Veterans Health Administration (VHA), the Secretary concluded that soft-tissue sarcomas should be classified by tumor type rather than tumor location and further, that in order to be recognized as "soft-tissue" sarcomas by VA, tumors must be malignant and arise from tissue of mesenchymal origin, including muscle, fat, blood or lymph vessels, or connective tissue (but not cartilage or bone), but that tumors of infancy or childhood, and those having a strong, known causal association with a specific etiology should not be included. The list of tumors which meet those criteria was published as part of the revision to 38 CFR 3.311a(c) (See the **Federal Register** of October 15, 1991 (56 FR 51651–3)).

Those same criteria are consistent with the statutory language of Public Law 102–4 to the extent that when they are applied, osteosarcoma, chondrosarcoma, Kaposi's sarcoma, and mesothelioma are not considered soft-tissue sarcomas for VA purposes. However, since it provides presumptive service connection for "each" soft-tissue sarcoma becoming manifest to a degree of 10 percent or more, the statutory language of Public Law 102–4 clearly encompasses a broader category of tumors than that listed in 38 CFR 3.311a by not excluding tumors of infancy and childhood.

To implement these provisions of Public Law 102–4, we propose to amend 38 CFR 3.307 and 3.309. We propose to cite the list of tumors that appears at 38 CFR 3.311a(c)(2) and to augment it with the following tumors: Extraskeletal Ewing's sarcoma, congenital and

infantile fibrosarcoma, and malignant ganglioneuroma. These additional soft-tissue sarcomas are generally considered tumors of infancy and childhood which rarely, if ever, occur initially in an individual old enough to have been accepted for military service. They will be included in this regulation, however, in order to satisfy the requirements established by the statutory language of Public Law 102–4.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program number is 64.109.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans, Vietnam.

Approved: April 13, 1992.

Edward J. Derwinski,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is proposed to be amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 72 Stat. 1114; 38 U.S.C. 501(a), unless otherwise noted.

§ 3.307 [Amended]

2. In § 3.307(a) introductory text, the first sentence, remove the words "or prisoner of war related disease", and add, in their place, the words ", prisoner of war related disease, or a disease associated with service in the Republic of Vietnam".

2a. In § 3.307(a)(1), after the words "§ 3.309(c)" add the words "and (e)".

3. In § 3.307, the section heading is revised, and new paragraph (a)(6) and its authority citation are added to read as follows:

§ 3.307 Presumptive service connection for chronic, tropical or prisoner-of-war related disease, or disease associated with service in the Republic of Vietnam; wartime and service on or after January 1, 1947.

(a) * * *

(6) *Disease associated with service in the Republic of Vietnam.* The diseases listed in § 3.309(e) shall have become manifest to a degree of 10 percent or more at any time after service in Vietnam during the Vietnam era, except that chloracne or another acneform disease consistent with chloracne shall have become manifest to a degree of 10 percent or more within a year after the last date on which the veteran performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era. "Service in the Republic of Vietnam" includes service in the waters offshore and service in other locations if the conditions of service involved duty or visitation in the Republic of Vietnam.

(Authority: 38 U.S.C. 501(a) and 1116)

* * * * *

4. In § 3.309, new paragraph (e) and its authority citation are added to read as follows:

§ 3.309 Disease subject to presumptive service connection.

* * * * *

(e) *Diseases associated with service in the Republic of Vietnam.* If a veteran, during active military, naval, or air service, served in the Republic of Vietnam during the Vietnam era, the following diseases shall be service-connected if the requirements of § 3.307(a)(6) are satisfied even though there is no record of such disease during service, provided further that the rebuttable presumption provisions of § 3.307(d) are also satisfied.

Chloracne
Non-Hodgkin's lymphoma
Soft-tissue sarcoma (other than osteosarcoma, chondrosarcoma, Kaposi's sarcoma, or mesothelioma)

Note: The term "soft-tissue sarcoma" includes those tumors listed at § 3.311a(c)(2). For the purposes of this section only, the following tumors of infancy and childhood, although rarely if ever occurring in an individual old enough to have been accepted for military service, shall also be included:

Extraskeletal Ewing's sarcoma
Congenital and infantile fibrosarcoma
Malignant ganglioneuroma

(Authority: 38 U.S.C. 501(a) and 1116)

[FR Doc. 92–16191 Filed 7–9–92; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL 4152–5]

Public Meeting Location Change on the Hazardous Waste Identification Rule

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of meeting location change.

SUMMARY: EPA's Office of Solid Waste will hold its July 15, 1992 Roundtable Discussion of the contaminated media and corrective action issues raised by its recently proposed Hazardous Waste Identification Rule (57 FR 21450) at the Ramada Renissance Techworld, not the Washington Hilton.

DATES: The meeting will begin at 8:30 a.m. and end at 5 p.m.

ADDRESSES: The meeting will be held at the Ramada Renissance Techworld, 999 9th Street, NW., Washington, DC, 20001–9000, (202) 898–9000.

FOR MORE INFORMATION CONTACT: For information on substantive matters, please contact William A. Collins, Jr., of the Waste Identification Branch, at 202–260–4791. For information on administrative matters, or to advise your intent to attend, please contact Michael Young or Denise Madigan, EPA's Roundtable Co-Convenors at 212–725–6160, and 202–429–8782, respectively.

Dated: July 7, 1992.

Chris Kirtz,

Director, Consensus and Dispute Resolution Program.

[FR Doc. 92–16263 Filed 7–9–92; 8:45 am]

BILLING CODE 6560–50–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 27)]

Rail General Exemption Authority—Transportation Equipment

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is seeking public comment on whether to exempt the rail transportation of Transportation Equipment (STCC 37) [1] from its regulation. The Commission has concluded, preliminarily, that regulation of the rail transportation of Transportation Equipment is not necessary to carry out the rail transportation policy, and that such regulation is not needed to protect shippers from an abuse of market power. If the Commission issues the exemption, Transportation Equipment would be added to the list of exempt commodities in our regulations, as set forth below.

DATES: Comments must be submitted by August 10, 1992.

ADDRESSES: Send an original and 10 copies of comments referring to Ex Parte No. 346 (Sub-No. 27) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660 [TDD for hearing impaired: (202) 927-5721]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To receive a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, Room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone: (202) 927-7428. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Environmental and Energy Considerations

We preliminarily conclude that the proposed action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Initial Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 603, we are required to examine the impact of a proposed action on small entities. We preliminarily conclude that the action proposed in this proceeding will not have a significant impact on a substantial number of small entities. We invite comment on the issue of the economic impact of our proposal on small entities.

List of Subjects in 49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Manufactured commodities, Railroads.

Decided: June 24, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett. Commissioner Simmons dissented with a separate expression.

Sidney L. Strickland, Jr.,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1039 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1039—EXEMPTIONS

1. The authority citation for part 1039 would continue to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10708, 10761, 10762, 11105, 11902, 11903, and 11904; and 5 U.S.C. 553.

2. In § 1039.11, paragraph (a) is proposed to be amended by adding to the chart, before STCC No. 38, STCC No. 37 (Transportation Equipment):

§ 1039.11 Miscellaneous commodities exemptions.

(a) * * *

STCC No.	STCC tariff	Commodity
*	* *	* *
37	.....do.....	Transportation equipment.
*	* *	* *

* * * * * * * *

§ 1039.16 [Removed]

3. § 1039.16 is proposed to be removed.

[FR Doc. 92-16240 Filed 7-9-92; 8:45 am]

BILLING CODE 7035-01-M

[1] STCC is the acronym for the Standard Transportation Commodity Code.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 217, 222, and 227

[Docket No. 911054-1254]

Sea Turtle Conservation

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: NMFS issues this advance notice of proposed rulemaking (ANPR) to announce that it is considering publishing regulations that would place sea turtle conservation requirements on various fisheries off the south Atlantic and Gulf of Mexico states for the protection of threatened and endangered sea turtles. Sea turtle conservation regulations are currently in place for shrimp fisheries in the southeastern Atlantic and Gulf of Mexico. The ANPR is in response to a study by the National Academy of Sciences (NAS) (1990), and other information, regarding the mortality of sea turtles in non-shrimp fisheries. By this ANPR, NMFS is soliciting public comment and information on non-shrimp fisheries for which sea turtle conservation measures may be needed and on appropriate conservation measures that should be applied to protect endangered and threatened sea turtles.

DATES: Written comments must be received on or before September 8, 1992.

ADDRESSES: Comments on this ANPR should be addressed to Dr. Nancy Foster, Director, Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Phil Williams, NMFS National Sea Turtle Coordinator, (301-427-2322) or Charles Oravetz, Chief, Protected Species Management Program, (813-893-3366).

SUPPLEMENTARY INFORMATION: All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973 (ESA), 16 U.S.C. 1531 *et seq.* The loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempi*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) sea turtles inhabit marine waters along the U.S. Atlantic seaboard and in the Gulf of Mexico, where significant incidental mortality associated with commercial fisheries operations has been documented.

The shrimp trawl fishery in the southeast region of the United States is by far the leading cause of human-induced mortality to sea turtles in the water. NMFS has promulgated regulations to protect sea turtles by requiring shrimp trawlers to use turtle excluder devices (TEDs) in their nets or to restrict tow times to prevent mortality (52 FR 24244, June 29, 1987). NMFS recently proposed amendments to these

regulations which would strengthen the required conservation measures (57 FR 18446, April 30, 1992).

However, a recent study by the NAS (NAS, 1990) concluded that "collectively, the nonshrimp fisheries constitute the second largest source of mortality of juvenile to adult sea turtles." This study identified finfish trawls, seines, pompano gill nets in Florida, and various passive fishing gear such as gill nets, weirs, traps, and longlines as potential sources of mortality to sea turtles.

NMFS has been aware of the mortality of sea turtles in these other fisheries but has concentrated its resources on reducing the largest source of mortality, the shrimp trawl fishery. Available data indicate that the levels of take in these fisheries do not approach the level in the shrimp trawl fishery.

In conjuction with implementation of section 114 of the Marine Mammal Protection Act (16 U.S.C. 1383a), the Interim Exemption for Commercial Fisheries enacted by Public Law 100–711, NMFS conducted an internal ESA section 7 consultation that addressed listed species that might be affected by fishing operations in the southeast region. The 1989 Biological Opinion resulting from this consultation concluded that "bottom trawl fisheries, gill net fisheries, and longline fisheries may have significant adverse impacts on the recovery of these species, and additional information on the amount/extent of incidental take is needed." These were generally the same fisheries identified in the NAS study.

In the Biological Opinion, the groundfish trawl fishery that operates in the winter off North Carolina and the shark gill net fishery off southeast Florida were among those fisheries identified as being of highest priority for observer coverage. Observer coverage would document levels of take and mortality of sea turtles in these fisheries. Conservation measures could then be evaluated to reduce this take.

The shark gill net fishery consists of approximately 24 vessels that operate on the southern east coast of Florida. The mesh size used in shark gill nets ranges from 8 to 12 inches (20–30 centimeters), which is the same size mesh used in turtle set nets when turtles were commercially harvested in the United States. Strandings of sea turtles on southeast Florida beaches adjacent to where this fishery operates implicate this fishery as a major, although localized, problem.

Based on data from logbooks and observer reports from the Interim Exemption for Commercial Fisheries Program, NMFS anticipates that the fisheries for sharks, direct and indirect, could result in the injury or mortality of all listed turtles species. The reasonable and prudent measures necessary to minimize the impacts of the shark fisheries include regional observer programs implemented to document incidental capture, injury, and mortality of listed species. These programs would emphasize monitoring of gillnet and longline fisheries that take sharks directly or indirectly.

NMFS issued a proposed rule on June 8, 1992 (57 FR 24222) to implement the proposed Shark FMP and establish a management regime for sharks in the EEZ of the Atlantic Ocean for commercial and recreational shark fishing. Among the proposed measures is the establishment of a mandatory observer program to document the incidental capture of listed species.

Another localized gill net fishery of concern to NMFS is the pompano fishery, which operates primarily in Florida state waters near Ft. Pierce. Abandoned pompano nets have been discovered with as many as ten dead green turtles tangled in the webbing. These nets are reportedly set in relatively shallow waters during the evening and retrieved the following morning. Nets are seldom tended during fishing operations, and turtles encountering gill nets are likely to drown unless promptly released.

The groundfish trawl fishery that operates from October through February along the upper Atlantic coast has been identified as a source of turtle mortality based on high levels of sea turtle strandings, particularly off North Carolina in the months of November and December. Between November 29, 1990 and December 7, 1990, 54 turtles were reported stranded in this area. Most were loggerheads, but eight Kemp's ridleys and three greens were included in the total.

In response to these strandings, the North Carolina Division of Marine Fisheries closed the fishery on December 7, 1990, and no sea turtle strandings were reported thereafter. NMFS began an assessment of the interaction between the fishery and sea turtles and tested several turtle excluder device (TED) models on a commercial trawler.

In 1991 NMFS and the State of North Carolina worked cooperatively to limit sea turtle deaths in this fishery through a combination of required conservation measures and turtle monitoring and gear research efforts. In addition, NMFS reinitiated consultation under section 7 of the ESA for the summer flounder fishery, which is managed under the Magnuson Fishery Conservation and Management Act pursuant to the Fishery Management Plan for the Summer Flounder Fishery (FMP). A biological opinion, issued on November 15, 1991, concluded that continued unrestricted operation of the summer flounder fishery in waters off North Carolina and southern Virginia would jeopardize the continued existence of the endangered Kemp's ridley (*Lepidochelys kempi*). To avoid jeopardizing the continued existence of listed sea turtles by this fishery, NMFS issued on emergency interim rule to require sea turtle conservation measures by trawlers and establish a scientific observer program to document incidental capture of turtles (56 FR 63685, December 5, 1991).

In addition, NMFS has proposed permanent sea turtle conservation measures in a limited area off of North Carolina (57 FR 24577, June 10, 1992). However, NMFS is considering proposing more comprehensive turtle conservation measures in this fishery under the Endangered Species Act based on the results of turtle conservation activities during the 1991–1992 season.

Longline fisheries for tuna, shark, and swordfish have also been implicated in incidental capture and mortality of sea turtles. Endangered and threatened sea turtle captures and mortalities by Japanese bluefin tuna longline vessels were documented in the early 1980s by NMFS observers. With recent increases in effort for yellowfin tuna, bluefin tuna, sharks, and swordfish, it appears likely that longline fisheries could be exerting a major negative impact on the recovery of listed turtles. An observer program to document incidental catch and mortality rates in longline fisheries is of high priority.

NMFS is inviting public comment to assist in determining which, if any, additional fisheries should be regulated for the conservation of sea turtles and what measures would be appropriate to reduce the mortality of sea turtles. Accordingly, through this ANPR, all interested parties are invited to submit comments and information.

Dated: July 2, 1992.

Nancy Foster,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

References

National Academy of Sciences. 1990. Decline of the Sea Turtles: Causes and Prevention. Washington, D.C., National Academy Press. 189 pp.

National Marine Fisheries Service. 1989. Endangered Species Act Section 7 Consultation concerning the issuing of exemptions for commercial fishing operations under Section 114 of the Marine Mammal Protection Act.

National Marine Fisheries Service. 1991. Proposed Fishery Management Plan for Sharks of the Atlantic Ocean. 145 pp., plus appendices.

National Marine Fisheries Service. 1991. Proposed Rule: Fishery Conservation and Management; Foreign Fishing; Atlantic Sharks.

National Marine Fisheries Service. 1991. Endangered Species Act Section 7 Consultation on the Implementation of the Secretarial Shark Fishery Management Plan of the Atlantic Ocean regarding the directed and incidental shark fisheries in the Atlantic. 24 pp.

[FR Doc. 92–16184 Filed 7–9–92; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 57, No. 133
Friday, July 10, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Assistant Secretary for Food and Consumer Services

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Assistant Secretary for Health

Final Version of the United States Country Paper for the International Conference on Nutrition

AGENCY: Office of the Assistant Secretary for Food and Consumer Services, USDA, Office of the Assistant Secretary for Health, DHHS.

ACTION: Notice.

SUMMARY: The Department of Agriculture (USDA) and the Department of Health and Human Services (DHHS) announce the availability of the final version of the U.S. Country paper for the International Conference on Nutrition (ICN).

FOR FURTHER INFORMATION CONTACT: (1) For a copy of the final paper, write to Floyd Miles, Food and Nutrition Service (USDA), room 206, 3101 Park Center Drive, Alexandria, VA 22302 or phone (703) 305–2133. (2) For other information regarding the International Conference on Nutrition: Neil Gallagher, Office of International Cooperation and Development, Department of Agriculture, room 3005 South Building, 14th and Independence Avenue, S.W., Washington, DC 20250–4300, (202) 690–1817, or Linda Meyers, Office of Disease Prevention and Health Promotion, U.S. Public Health Service, DHHS, 330 C Street, SW., room 2132 Switzer Building., Washington, DC 20201, (202) 472–5307.

SUPPLEMENTARY INFORMATION: The International Conference on Nutrition (ICN) will be held in Rome, Italy, in December 1992. It is jointly sponsored by the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO). As many as 150 nations are likely to send delegations. Many nongovernment organizations and private business groups are also expected to participate. The Conference will look critically at the problems of hunger, malnutrition and diet-related diseases in both developing and developed nations and examine ways to foster added international cooperation in the field of nutrition.

The U.S. Country Paper is the major United States contribution to the principal background document for the Conference—"An Assessment and Analysis of Trends and Current Problems in Nutrition." The paper was prepared following an outline produced by the Joint FAO/WHO Secretariat for the ICN. This allows it to be used more readily to compare U.S. policies and programs with those of other nations. A supplement to the main paper outlines the many contributions that U.S. international programs are making toward the improvement of nutrition worldwide, especially among vulnerable groups and the poor in the developing world.

Since the content and focus of the U.S. Country Paper were dedicated by the needs of the conference organizers, the paper should not be viewed as a comprehensive statement of official U.S. Government policies. Sections were written by individuals outside the Government to reflect the important nutrition-related activities of the private sector, educational organizations and voluntary groups. However, a number of documents stating U.S. Government policy on nutrition, public health, and international assistance are cited in the text. Readers should refer to those documents for more detailed statements and information on public policies. This notice is not published pursuant to the Administrative Procedures Act.

Dated: June 24, 1992.

Ann Chadwick,

Acting Assistant Secretary for Food and Consumer Services, U.S. Department of Agriculture.

Dated: June 26, 1992.

James O. Mason,

Assistant Secretary for Health, Department of Health and Human Services.

[FR Doc. 92–16169 Filed 7–9–92; 8:45 am]
BILLING CODE 3410–30–M

DEPARTMENT OF AGRICULTURE
Forest Service

South Fork of Granite Creek Timber Sale; Idaho Panhandle National Forests, Washington and Idaho

AGENCY: Forest Service, USDA.

ACTION: Notice; Intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement (EIS) to document the analysis and disclose the environmental impacts of proposed actions to harvest timber, build roads, improve existing stands of trees, and regenerate new stands of trees in Tillicum Creek and South Fork of Granite Creek drainages. These drainages flow into the North Fork of Granite Creek at the eastern edge of the analysis area. The analysis area consists of approximately 29,700 acres, and is located approximately 30 air miles north-northwest of Priest River, Idaho. Portions of the proposed actions are located within the South Fork Mountain Roadless Area (#01124), Hungry Mountain Roadless Area (#01156), and the Grassy Top Roadless Area (#01982).

DATES: Written comments concerning the scope of the analysis should be received on or before August 24, 1992. A Public meeting is scheduled for 7:30 p.m. July 29, 1992 in the Conference Room on the Main Floor of the Federal Building, 1500 Highway 2, Sandpoint, Idaho 83864.

ADDRESSES: Written comments should be sent to: S. Blaise Chanson, Senior Environmental Analyst, BIO/WEST, Inc., 1063 West 1400 North, Logan, Utah 84321.

FOR FURTHER INFORMATION CONTACT: Specific questions about the proposed action, analysis and EIS should be directed to S. Blaise Chanson, Senior Environmental Analyst, BIO/WEST, Inc., Phone (801) 752–4202; or to Barry Coles, District Silviculturist, Priest Lake Ranger District, Phone (208) 443–2512.

SUPPLEMENTARY INFORMATION: Any timber sale(s) arising from the EIS will be administered by the Priest Lake Ranger District of the Idaho Panhandle National Forests, Bonner County, Idaho and Pend Oreille County, Washington. If approved, the sales will be sold in 1955–1998. Because of the potential for significant impacts resulting from the proposed action (as defined by 40 CFR

1508.27), and Environmental Impact Statement (EIS) will be prepared. The EIS will be prepared by an independent consultant, BIO/West, Inc., under the specifications of Contract No. 53–0313–1–ID167 with the Idaho Panhandle National Forests. Although not being prepared in-house, the EIS will be a Forest Service document, with the Forest Service acting as the lead agency. As such, the EIS will be subject to all appropriate Forest Service regulations and guidelines. The EIS will tier to the Idaho Panhandle National Forests Forest Service Plan (August 1987), which provides the overall guidance (Goals, Standards and Guidelines, and Management Area direction) in achieving the desired future condition for the area. The purpose and need of the proposed actions is to provide for the area's share of the Allowable Sale Quantity while meeting the multiple resource objectives as prescribed by the Management Area directions in the Forest Plan. The purpose and goals for the proposed actions are defined by the management areas and include:

Management Area 1—Provide for long-term growth and cost effective production of commercially valuable wood products on those lands suitable for timber production.

Management Area 2—Manage identified grizzly bear habitat to support the Forest's share of a recovered grizzly bear population, while providing the production of commercially valuable wood products.

Management Area 4—Provide winter forage to support existing and projected big game populations through scheduled timber harvest and permanent forage areas.

Mangement Area 7—Manage identified caribou habitat to support the Forest's share of a recovered caribou population, while providing for the production of commercially valuable wood products.

Management Area 9—Manage to maintain and protect existing improvements and resource productive potential within minimum investments.

Management Area 16—Manage riparian areas to feature riparian-dependent resources (fish, water quality, natural channels, and biotic communities), while producing other resource outputs.

The western boundary of the South Fork of Granite Creek Timber Sale starts at the intersection of Kalispell Rock and the Kaniksu Forest Boundary and then runs northerly contiguous with the Forest Boundary to Grassy Top Mountain. The northern boundary then runs east along the ridge to High Rock Mountain and then on to North Fork of Granite Creek approximately 0.3 mile south of Stagger Inn Campground. The eastern boundary of the analysis area runs south along the North Fork of Granite Creek to the confluence with the South Fork of Granite Creek. The boundary continues south along a ridge to Indian Mountain where it turns westerly for approximately 2 miles before continuing south along a ridge to Diamond Peak. The southern boundary is the ridgeline running between Diamond Peak and Kalispell Rock. Approximately 6,400 acres of the South Fork Mountain Roadless Area (#01124), 400 acres of the Hungry Mountain Roadless Area (#01156), and 11,500 acres of the Grassy Top Roadless Area (#01982) are within the 29,700 acre analysis area. The geographic scope of the analysis will depend on the resource, and may require analysis beyond the timber sale boundary.

Preliminary issues identified as a result of internal review of the timber sale area include:

- The efficiency and cost-effectiveness of the timber sale.
- Cumulative effect of harvesting in relation to past harvest activities within the analysis area.
- The effect of clearcut harvests on visuals and aesthetics.
- Potential conflict with dispersed and developed recreation activities.
- The effect of any management activity on the roadless character of South Fork Mountain Roadless Area, the Grassy Top Roadless Area, and the Hungry Mountain Roadless Area.
- Management and protection of sufficient old growth for viable populations of dependent species.
- Potential effect on threatened or endangered species, particularly grizzly bear, caribou and gray wolf.
- Potential effect on sensitive species including bog lemmings at Sema Meadows.
- Potential effect on stability of headwater channels through increased water yield.
- The protection of watershed values as they relate to riparian zones and fish productivity.
- Potential effect on westslope cutthroat and bull trout spawning and rearing habitat due to increased water yield and sediment yield.

The Forest Service is seeking information and comments from Federal, State and local agencies as well as individuals and organizations who may be interested in, or affected by, the proposed action. The Forest Service invites written comments and suggestions on the issues for the proposed and the area being analyzed. For most effective use, comments should be submitted to BIO/WEST, Inc. within 45 days of publication of this notice in the **Federal Register** information received will be used in the preparation of the Draft EIS. This preparation includes the following steps:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of issues of minor importance, or those covered by previous relevant environmental analysis.
4. Identification of reasonable alternatives to the proposed action.
5. Identification of the potential environmental effects of the alternatives.

The analysis will consider a range of alternative developed from the key issues. One of these will be the "No Action" alternative, in which all activities are deferred. Other alternatives will consider various levels and locations of harvest and regeneration in response to issues and non-timber objectives.

The analysis will evaluate the environmental effects of each alternative. This analysis will be consistent with the standards and management direction outlined in the Forest Plan. The direct, indirect, and cumulative effects of each alternative will be analyzed and documented. In addition, the site specific mitigation measures for each alternative will be identified and the effectiveness of those mitigation measures will be disclosed.

Agencies and other interested parties are invited to visit the Forest Service officials or BIO/WEST representatives any time during the process. Two specific time periods are identified for the receipt of formal comments on the analysis. The comment periods are: (1) During the scoping process (the next 45 days) and, (2) during the formal review period of the Draft EIS.

The Draft EIS is estimated to be filed with the Environmental Protection Agency (EPA) and be available for public review in early April 1993. At that time the EPA will publish a notice of availability of the Draft EIS in the **Federal Register**. The comment period on the Draft EIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**. To be the most help, comments on the Draft EIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed. Reviewers may wish to refer to the *Council on Environmental Quality Regulations for implementing the procedural provisions*

of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

The Forest Service believes it is important to give reviewers notice at this early stage of several federal court decisions related to public participation in the environmental review process. First, reviewers of the Draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Copr.* v. *NRDC,* 435 U.S. 519,533 (1987). Second, environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon* v. *Hodel,* (9th Circuit, 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis, 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

The Final EIS is expected to be released August 16, 1993. The District Ranger for the Priest Lake Ranger District of the Idaho Panhandle National Forests, the responsible official for the EIS, will make a decision regarding this proposal considering the comments, responses, and environmental consequences discussed in the Final Environmental Impact Statement, and appliable laws, regulations, and policies. The reasons for the decision will be documented in a Record of Decision.

Dated: July 1, 1992.

Albert W. Collotzi,

District Ranger.

[FR Doc. 92-16114 Filed 7-9-92; 8:45 am]

BILLING CODE 4310-70-M

Montana Department of Fish, Wildlife, and Parks Project—Integrated Management Plan for the Chain of Lakes Recreation Area

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Notice is hereby given that the USDA Forest Service, Kootenai National Forest (KNF), in conjunction with the State of Montana Department of Fish, Wildlife, and Parks (MDFWP) will prepare an environmental impact statement (EIS) for the integrated management plan (IMP) for the Chain Lakes Recreation Area. The KNF and MDFWP are joint lead agencies in this effort as there are significant State and National Forest System lands included within the project area.

Joint lead status will allow both agencies to fulfill their interrelated responsibilities in managing the process of preparation of the draft and final EIS documents. The MDFWP has the responsibility for managing state lands and resources. The Forest Service has the responsibility for the Federal surface land and resources.

The Kootenai National Forest Plan currently provides direction for managing the Forest Service lands in the Chain of Lakes Recreational Area. Since the State of Montana is the responsible manager of the leased private lands in the area, there is a need for both the State of Montana and the Forest Service to involve the public in developing plans for coordinated management and development of the Chain Lakes Recreation Area. The analysis process will ultimately lead to one of the following decisions: (1) Approval of the integrated management plan and specified capital investment projects; (2) approval of the integrated management plan with some changes in the scope of priorities of the specified capital investment projects; (3) approval of the integrated management plan or a modified plan, with prioritized scheduling of specified capital investment projects.

Projects proposed on National Forest System lands will be consistant with direction in the Kootenai National Forest Plan.

The State Department of Fish, Wildlife, and Parks and the Kootenai National Forest invite written comments and suggestions on the scope of the analysis in addition to comments already received as a result of local public participation activities. The agencies also give notice of the full environmental analysis and decision making process that will occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the scope and implementation of this proposal must be received by August 1, 1992.

ADDRESSES: Submit written comments and suggestions concerning the scope of the analysis to Dan Vincent, Regional Supervisor, Montana Department of Fish, Wildlife and Parks, 490 North Meridian Road, Kalispell, MT, 59901.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed actions and environmental impact statement to Marty Watkins, Project Coordinator, Montana Department of Fish, Wildlife, and Parks, 490 Meridian Road, Kalispell, MT, 59901 (Phone (406) 752-5501) or Larry Froberg, District Ranger, Fisher River Ranger District, 12557 Hwy 37, Libby, MT, 59923 (Phone (406) 293-7773).

SUPPLEMENTARY INFORMATION: The Chain of Lakes Recreation Area includes some 4000 acres of recreation lands, wetlands, and lakes which were donated by Champion International Corporation to the private non-profit Conservation Fund in 1990. That private group subsequently leased those lands to the State of Montana for a two year period during which time the State must write and fund a conservation/management plan for the area in order to secure title to the property.

The proposed project area is located in northwest Montana, approximately mid way between the communities of Libby and Kalispell. The project analysis area is some 25 miles long, encompassing about 6000 acres (4000 State and 2000 National Forest) along the south side of US Highway 2, and includes some 17 fishable lakes, over 30 smaller ponds and bogs, with several thousand acres of desirable waterfowl habitat.

This EIS will tier to the Final EIS and Kootenai Forest Plan (September 1987) as applicable to activities on National Forest System lands. The Kootenai Forest Plan provides goals and objectives, forest-wide standards and guidelines, management area standards and guidelines and management area prescriptions for the various lands on the Forest. This direction provides for management practices that will be utilized during the implementation of the Forest Plan.

The analysis will consider a range of alternatives. Along with the proposed action and reasonable action alternatives, the analysis will consider a "No Action or no development" alternative. Other alternatives will be considered as developed through additional public participation in the analysis process.

Public participation will be requested at several points during the analysis. The Kootenai National Forest and Montana Department of Fish, Wildlife, and Parks will be seeking information, comments, and assistance from Federal, State, local agencies and other individuals or organizations who may be interested in or affected by the proposed projects. This input will be used in preparation of the Draft EIS.

The scoping process includes:

—Identifying potential issues.
—Identifying major issues to be analyzed in depth.
—Identifying issues which have been covered by a relevent previous environmental analysis.
—Exploring additional alternatives based on themes which will be derived from issues recognized during scoping activities.
—Identifying potential environmental effects of this project and alternatives (i.e., direct, indirect, and cumulative effects and connected actions).
—Determining potential cooperating agencies and task assignments.

Public participation to this point involved the presentation of the project to over 20 organizations and groups in Libby, Kalispell, and surrounding communities, plus discussions with both local and national legislative representatives of the State of Montana. Numerous personal contacts have been made with local groups and residents by the Chain of Lakes Advisory Council. A two page questionaire was distributed to over 3000 interested parties to gather information on public interests and over 500 written responses were received. Future public participation will include continued public meetings, personal contacts, and contact through media and written material. The following issues have been identified through the scoping efforts that have occurred to date:

—What range of camping and recreational opportunities should be provided? This includes what level of recreation development, maintenance, and administration are desirable for the area?
—What, if any, additional land acquisition or conservation easements are desirable in the area?
—What level of livestock grazing is compatible with other management objectives in the area?
—What are the effects of the proposal on water quality?
—What are the effects of the proposal on cultural and historic resources?
—What are the effects to any threatened, endangered, or sensitive animals or plants in the area?
—What would be the effect to private land, and private uses of federal lands, in the area?

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by October, 1992. At that time EPA will publish a notice of availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**.

The Montana Department of Fish, Wildlife, and Parks, and the Forest Service believe it is important to give reviewers notice at this early stage of public participation and of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and cointentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could have been raised at the draft stage may be waived or dismissed by the court if not raised until after completion of the final EIS. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Hertiages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Montana Department of Fish, Wildlife, and Parks and the Forest Service at a time when they can meaningfully consider and respond to them in the Final EIS.

To be the most helpful, comments on the draft EIS should be as specific as possible and may address the adequacy of the statement or the merit of the alternatives discussed (see Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

The final EIS is scheduled to be completed by December , 1992. In the final EIS, the Department of Fish, Wildlife, and Parks and the Forest Service are required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the draft EIS and applicable laws, regulations, and policies considered in making a decision regarding the proposal. Daniel Vincent, Regional Supervisor, Montana Department of Fish, Wildlife, and Parks, 490 Meridian Road, Kalispell, MT, 59901, and Robert Schrenk, Forest Supervisor, Kootenai National Forest, 506 US Highway 2 W, Libby MT, 59923 are the Responsible Officials. As the Responsible Officials, they will decide which, if any, of the proposed alternatives will be implemented and document the decision and reasons for the decision in the Record of Decision.

Dated: June 19, 1992.

Dan Vincent,

Responsible Official, Region One Supervisor, Montana Dept of FWP.

Dated: June 29, 1992.

Robert Schrenk,

Responsible Official, Forest Supervisor, Kootenai National Forest.

[FR Doc. 92-16164 Filed 7-9-92; 8:45 am]
BILLING CODE 3410-11-M

Pilot Creek Environmental Impact Statement, Six Rivers National Forest, Humboldt County, CA; Revised Notice of Intent

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Forest Service published a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) in the **Federal Register** (56 FR 3068) on January 28, 1991, for a proposal to harvest timber within the Pilot Creek drainage. The draft EIS was expected to be available for public review in January 1992. The draft EIS has been delayed due to changes made in the project objective. The draft EIS is not expected to be filed with the Environmental Protection Agency (EPA) and available for public review in February 1993. At that time the EPA will publish a notice of availability of the draft EIS in the **Federal Register**. The final EIS is now scheduled to be completed in June 1, 1993.

The NEPA (National Forest Policy Act) process was initiated in March of 1991. The analysis of the project indicated conflicts with the strategies for furbearer habitat management. These conflicts caused a major shift in the project objective and a delay in implementation schedules. The revised project objective is to implement a management strategy that will result in the long-term maintenance or enhancement of habitat quality within the furbearer territories present and will result in the sale of between 10 and 20 million board feet (MMBF) of timber. Other related activities include road construction, site preparation, reforestation, stand improvement treatments, and a variety of resource enhancement projects.

The project area now covers approximately 12,000 acres located in the headwaters of the Pilot Creek Drainage on the Mad River District. The project area encompasses a proposed fisher territory and two proposed

marten territories. A portion of the project area is currently unroaded and was released for multiple-use management as part of the RARE II decision.

This project offers an opportunity to yield potential benefits for the Six Rivers National Forest:

1. This represents the Forest's initial effort to manage furbearer territories and evaluate long-term effects. The experience gained from planning and implementing this project should prove valuable for other furbearer management projects.

2. This project is utilizing a computerized GIS (geographic information system) for planning and analysis. The experience gained from this effort should help the Forest be better prepared for the planning, acquisition, and development of larger scale GIS applications.

3. The project will be developed and implemented utilizing the philosophies of ecosystem management. Project analysis will be done at the watershed landscape level.

All other information presented in 56 FR 3068 is still accurate.

FOR FURTHER INFORMATION CONTACT: Marcia Andre, District Ranger, Mad River Ranger District, Star Route Box 300, Bridgeville, California 95526 or telephone Roger Moore, Project Planner (707) 574–6233.

Dated: June 29, 1992.

Martha Ketelle,

Deputy Forest Supervisor.

[FR Doc. 92–16166 Filed 7–9–92; 8:45 am]

BILLING CODE 3410–11–M

Amendment to the Land and Resource Management Plan for the Shoshone National Forest; Park, Hot Springs, Fremont, Sublette and Teton Counties, Wyoming

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare environmental impact statement.

SUMMARY: On April 5, 1990, a Notice of Intent (NOI) to prepare an environmental Impact Statement amending the Land and Resource Management Plan for the Shoshone National Forest was published in the **Federal Register** (55 FR 12687). The amendment was to focus on actions to be taken on the approximately 120,000 acres of lands burned by the Clover Mist and other fires in 1988, including recalculation of the amount of timber to be offered from the Forest. The EIS was also to analyze possible actions to mitigate the effects of the fires from the standpoint of all resources in and adjacent to the burned areas.

The Shoshone National Forest intends to revise the scope of analysis presented in the April 1990 **Federal Register** Notice. The scope of this analysis and amendment will now be limited to the recalculation of the allowable sale quantity (ASQ) based on changes in the timber inventory resulting from areas burned over or otherwise altered since 1986, and updated timber inventory data. This will involve only the 85,945 acres of land currently classified as suitable. The Forest's intent is to apply the current Forest Plan standards and guidelines, as well as other direction incorporated by reference in the Plan and current laws. Application of standards and guidelines includes such actions as: inventorying fire effects, changing data bases to reflect the most current information, and altering or specifying management practices in accordance with the Forest Plan to account for those changes. Issues outside of this scope of analysis will be deferred to the pending Forest Plan revising scheduled for completion in the year 2000

DATES: Written comments must be received by July 31, 1992.

ADDRESSES: Send written correspondence to: Barry Davis, Forest Supervisor; Shoshone National Forest; P.O. Box 2140; Cody, Wyoming 82414.

FOR FURTHER INFORMATION CONTACT: Lathrop Smith, Timber Management Officer (307) 754–7207.

SUPPLEMENTARY INFORMATION: .

Background

The Land and Resource Management Plan for the Shoshone National Forest was approved on February 27, 1986 and implementation began 45 days later. In 1988, the Clover Mist and other fires burned over 120,000 acres of the Shoshone National Forest. The fires burned more than 10% of the lands classified as suited for timber production. As a result of these fires and a refined timber inventory, there is a need to recalculate the Allowable Sale Quantity. By regulation (36 CFR 219.3), calculation of the amount of timber to be offered must be done on a forest-wide basis.

Analysis and Response to Public Comments

Public comment was received in response to the April 5, 1990 Notice of Intent. The comments have been analyzed and distilled into a comprehensive set of analysis issues. These issues will be addressed in accordance with the revised scope of analysis. Further scoping has been undertaken with a cross section of interest groups. The public will be invited to working group sessions throughout the analysis and disclosure process. Advance notice on dates and locations of these sessions will be done via press releases and direct mailings. Critical junctures in the process will be handled through more formal information sharing procedures.

A Draft Environmental Impact Statement and Proposed Amendment are scheduled to be completed in January 1993. The Final Environmental Impact Statement and Amendment are scheduled for completion in June 1993.

The comment period on the Draft Environmental Impact Statement will be 90 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes that it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d, 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F.Supp. 1334, 1338, (E.D. Wis. 1980). Because of these court rulings it is very important that those interested in this proposed action participate by the close of the 90-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the

procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: July 6, 1992.

Robert K. Vander Linden,

Acting Forest Supervisor.

[FR Doc. 92-16185 Filed 7-9-92; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Gaffney, SC; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR parts 1500-1508); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture gives notice that an environmental impact statement (EIS) is not being prepared for flood prevention at Kennedy Street, City of Gaffney Cherokee County, South Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Banks, District Conservationist, Soil Conservation Service, P.O. Box 399, Gaffney, South Carolina, 29342, telephone (803) 489-7150.

SUPPLEMENTARY INFORMATION: The environmental evaluation of this federally assisted action indicates that the proposed measure will not cause significant adverse local, regional or national impacts on the environment. As a result of these findings, Mr. Billy Abercrombie, State Conservationist, has determined that the preparation and review of an EIS is not needed.

The proposed action is to reduce flooding and improve storm water conditions in and adjacent to the Kennedy Street Community.

The Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental evaluation and the environmental assessment are on file and may be reviewed by interested parties at the Soil Conservation Service, P.O. Box 399, Gaffney, South Carolina 29201, telephone (803) 489-7150.

The FONSI has been sent to interested Federal, State, and local agencies and other interested parties. A limited number of copies of the FONSI are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and Local officials.

Dated: July 1, 1992.

Jose J. Acevedo,

Deputy State Conservationist.

[FR Doc. 92-16165 Filed 7-9-92; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 585]

Expansion of Foreign-Trade Zone 83; Huntsville, AL, Area

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u) (the Act), and the Foreign-Trade Zones Board Regulations (15 CFR part 400), the Foreign-Trade Zones Board (the Board) adopts the following Resolution and Order:

Whereas, the Huntsville-Madison County Airport Authority, Grantee of Foreign-Trade Zones No. 83, has applied to the Board for authority to expand its general-purpose zone to include a site in Morgan County, Alabama, within the Huntsville Customs port of entry;

Whereas, the application was accepted for filing on July 1, 1991, and notice inviting public comment was given in the **Federal Register** on July 19, 1991 (Docket 38-91, 56 FR 33245);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the expansion is necessary to improve and expand zone services in the Huntsville area; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby orders:

That the Grantee is authorized to expand its zone in accordance with the application filed on July 1, 1991, subject to the Act and the Board's regulations (as revised, 56 FR 50790-50808, 10/8/91), including § 400.28.

Signed at Washington, DC, this 1st day of July, 1992.

Alan M. Dunn,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.

Attest.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 92-16265 Filed 7-9-92; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-570-506]

Procelain-on-Steel Cooking Ware From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On April 24, 1992, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on porcelain-on-steel cooking ware (POS cooking ware) from the People's Republic of China (PRC). The review covers one manufacturer, Clover Enamelware Enterprise Ltd., China, and its related third-country reseller in Hong Kong, Lucky Enamelware Factory Ltd., and the period December 1, 1990 through November 30, 1991.

We gave interested parties an opportunity to comment on our preliminary results. We received no comments. The final results of review are unchanged from those presented in the preliminary results.

EFFECTIVE DATE: July 10, 1992.

FOR FURTHER INFORMATION CONTACT: Sheila E. Forbes or Thomas F. Futtner, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-8120/3814.

SUPPLEMENTARY INFORMATION:

Background

On April 24, 1992, the Department published in the **Federal Register** (57 FR 15058) the preliminary results of its administrative review of the antidumping duty order on POS cooking ware from the PRC (51 FR 43414, December 2, 1986). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act).

Scope of the Review

Imports covered by the review are shipments of POS cooking ware, including tea kettles, which do not have self-contained electric heating elements. All of the foregoing are constructed of steel and are enameled or glazed with vitreous glasses. During the review period, such merchandise was classifiable under items 654.0815, 654.0824, and 654.0827 of the Tariff Schedules of the United States Annotated ("TSUSA"). The merchandise is currently classifiable under HTS item 7323.94.00. The HTS and TSUSA item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the shipments of one manufacturer in the PRC, Clover Enamelware Enterprise Ltd., and its related third-country reseller in Hong Kong, Lucky Enamelware Factory Ltd., which exported the POS cooking ware to the United States, and the period December 1, 1990 through November 30, 1991.

Final Results of the Review

We invited interested parties to comment on the preliminary results. We received no comments. Based on our analysis, the final results of review are the same as those presented in the preliminary results of review, and we determine that the following margin exists for the period December 1, 1990 through November 30, 1991:

Manufacturer/third-country reseller	Margin (percent)
Clover Enamelware Enterprise Ltd./ Lucky Enamelware Factory Ltd. (Hong Kong)	66.65

Upon completion of this administrative review, the Department will issue appraisement instructions directly to Customs. Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be as outlined above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be 13.76 percent. This rate represents the highest non-best information available rate in the most current review period in which such a rate was established.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)), and § 353.22 of the Commerce Department's regulations (19 CFR 353.22 (1991)).

Dated: July 6, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-16266 Filed 7-9-92; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of application for an amendment to an Export Trade Certificate of Review.

SUMMARY: The Office of Export Trading Company Affairs (OETCA), International Trade Administration, Department of Commerce, has received an application for an amendment to an Export Trade Certificate of Review. This notice summarizes the amendment and requests comments relevant to whether the Certificate should be amended.

FOR FURTHER INFORMATION CONTACT: George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether the Certificate should be amended. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, room 1800H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 92-A0001".

OETCA has received the following application for an amendment to Export Trade Certificate of Review No. 92-00001, which was issued on April 10, 1992 (57 FR 13707, April 17, 1992).

Summary of the Application

Applicant: Aerospace Industries Association of America, Inc. ("AIA"), 1250 Eye Street, NW., Washington, DC 20005, Contact: Mac S. Dunaway, Esquire, Telephone: (202) 862-9700.

Application No.: 92-A0001.

Date Deemed Submitted: July 6, 1992.

Request For Amended Conduct: AIA seeks to amend its Certificate to add the Sundstrand Corporation of Rockford, Illinois as a "Member" within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2 (1)).

Dated: July 6, 1992.

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 92-16194 Filed 7-9-92; 8:45 am]

BILLING CODE 3510-DR-M

[Docket No. 920529-2129]

Foreign Buyer Program; Support for Domestic Trade Shows

AGENCY: International Trade Administration; Department of Commerce.

ACTION: Notice of Call for Applications for the FY94 Foreign Buyer Program (October 1, 1993, through September 30, 1994).

SUMMARY: This notice sets forth objectives, procedures and application review criteria associated with the U.S. Department of Commerce's Foreign Buyer Program (FBP) to support domestic trade shows.

The Foreign Buyer Program was established to bring foreign buyers together with U.S. firms by promoting leading U.S. trade shows in industries with high export potential. The Foreign Buyer Program emphasizes cooperation between the Department and trade show organizers to benefit U.S. firms exhibiting at selected events and provides practical, hands-on assistance to U.S. companies interested in exporting. The assistance provided includes export counseling, market analysis, and overseas promotion of selected shows to potential foreign buyers, end-users, representatives and distributors. Shows selected for the Foreign Buyer Program will provide a venue for U.S. companies interested in expanding their sales into international markets.

DATES: Applications must be received by August 4, 1992.

ADDRESSES: Export Promotion Services/ Foreign Buyer Program, U.S. and Foreign Commercial Service (US&FCS), International Trade Administration, U.S. Department of Commerce, room 2116, 14th and Constitution Avenue, NW., Washington, DC 20230. Tel.: (202) 377-0481 (facsimile applications will not be accepted).

FOR FURTHER INFORMATION CONTACT: Bill Crawford, Product Manager, Foreign Buyer Program, Room 2116, Export Promotion Services, U.S. and Foreign Commercial Service, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230. Tel. (202) 377-0481 or FAX: (202) 377-0115.

SUPPLEMENTARY INFORMATION: The International Trade Administration of the U.S. Department of Commerce is accepting applications for the Foreign Buyer Program (FBP) for events taking place between October 1, 1993, and September 30, 1994.

Under the FBP, the Department seeks to bring foreign buyers together with U.S. firms by selecting and promoting in foreign markets domestic trade shows in industries with high export potential. Selection of a trade show is one-time, i.e., a trade show organizer seeking selection for a recurring event must submit a new application for selection for each occurrence of the event. If the event occurs more than once in the 12 month period covering this announcement, the trade show organizer must submit a separate application for each event.

The Department will select 22 events to support during this 12 month period. The Department will select those events that, in its judgment, most clearly and best meet the Department's objectives as well as satisfy the selection criteria. For this reason, non-selection of an event should not be viewed as a finding that the event will not be successful in promoting U.S. exports.

The collection of the information required in an application is authorized by law (15 U.S.C. 1512 et seq.). A trade show will not be considered for the Foreign Buyer Program unless a completed application has been received.

The Office of Management and Budget has approved the information collection requirement contained in this notice under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) (OMB number 0625-0151 approved for use through 9/30/94).

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Reports Clearances Officer, International Trade Administration, room 4001, U.S. Department of Commerce, Washington, DC 20230 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0625-0151), Washington, DC 20503.

General Selection Criteria

Subject to Departmental budget and resource constraints, selection will be granted to those events which, in the judgment of the Department, most clearly and best meet the following criteria:

(a) *Export Potential:* The products and services to be promoted at the trade show should be from U.S. industries which have high export potential as determined by U.S. Department of Commerce sources, i.e., best prospects lists and U.S. export statistics. (Certain industries are rated as priorities by our domestic and international commercial officers in their annual workplans and country marketing plans).

(b) *International Interest:* Trade Shows will be selected which meet the needs of a significant number of overseas markets covered by the US&FCS and correspond to marketing opportunities as identified by the posts in their country marketing plans (e.g. best prospects). Previous foreign attendance at the show may be used as an indicator.

(c) *Scope of the Show:* The event must offer a broad spectrum of U.S. made products and/or services for the subject industry. Trade shows with a majority of U.S. firms will be given preference.

(d) *Stature of the Show:* The trade show must be clearly recognized by the industry it covers as a leading event for the promotion of that industry's products and services both domestically and internationally and as a showplace for the latest technology or techniques in that industry.

(e) *Exhibitor Interest:* Show Organizer must demonstrate interest on the part of U.S. exhibitors in receiving international business visitors during the trade show. A significant number of these exhibitors should be new-to-export or seeking to expand sales into additional foreign markets.

(f) *Overseas Marketing:* Show Organizer must describe efforts made to market event overseas for prior shows as well as to detail international marketing efforts for the event for which FBP support is being sought.

(g) *Logistics:* The trade show site, facilities, transportation services and availability of accommodations must be in the stature of an international-class trade show.

(h) *Delegation Incentives:* Show Organizers should list types of incentives to be offered to delegations and delegation leaders recruited through US&FCS overseas posts. Examples of incentives include waived or reduced admission fees to the event, competitive travel packages, plant tours, and international reception, and complimentary accommodations for delegation leaders.

(i) *Cooperation:* Successful applicants will be required to enter into a Memorandum of Understanding (MOU) which sets forth the specific actions to

be performed by the show producer/owner and the USDOC. There must be a willingness on the part of the trade show organizer to cooperate with the US&FCS to fulfill the program's goals, and to adhere to target dates set out in the Memorandum of Understanding (MOU) and the event timetable.

Note: Past experience in the Foreign Buyer Program will be taken into account in evaluating current application to the program.

Department of Commerce Support of Foreign Buyer Program Events

The support provided for selected events may differ depending on the specific needs identified and agreed upon by the Department and the show organizer. Services may include, but are not limited to, special overseas marketing efforts by staff of the US&FCS. Such marketing activities include contacting key foreign government and private sales prospects and providing publicity in appropriate Departmental periodicals.

Specific Department Actions

For each Foreign Buyer Program show the Department of Commerce (DOC) will:

(a) Designate a project manager as central contact to work with the show organizer on all aspects of promotion abroad and foreign buyer assistance at the show. The project manager will work closely with the show organizers' contact to develop an overall promotional timetable to promote the event.

(b) Advise and work closely with all interested U.S. Embassies and Consulates to encourage maximum trade show promotion and exposure for those exhibitors indicating export interest.

(c) Promote industry trade show participation through announcements in publications with overseas distribution. (E.g., regional and embassy commercial newsletters, and Commercial News USA).

(d) Provide show organizer with specifications of a DOC-designed hard panel system International Business Center (IBC), including furniture requirements, DOC office, conference rooms, lounge area, storage area, etc.

(e) Provide show organizer with samples of multi-language brochures, U.S. Embassy/Consulate address labels, shipping instructions and quantities required for overseas shipment.

(f) Provide show organizers with promotional articles about the Foreign Buyer Program and the services available to U.S. exhibitors and foreign visitors at the International Business Center. Will send a letter with program flyer to all U.S. exhibitors at least one month before the show to promote the IBC and the benefits of the Program.

(g) Provide a final show report to the show organizer not later than 120 days after the show. This report will include data collected by show organizer in a post show survey reflecting FBP results.

(h) Request US&FCS District Offices in the U.S. to provide export counseling on specific marketing information to those U.S. participants that have indicated a need for such counseling before and during the show.

(i) Review all printed materials bearing the Foreign Buyer Program logo for substantive and legal accuracy of statements regarding the Program or DOC activities and event support.

Department of Commerce Services Provided at Trade Show Site

(a) At least one project manager will provide primary management of the International Business Center (IBC), facilitate matching foreign buyers with exhibiting U.S. companies, and inform U.S. companies about U.S. Department of Commerce products and services and other International Trade Administration programs. At least one Trade Specialist from a US&FCS District Office will be available during the show to provide additional export counseling.

(b) The Department of Commerce will provide export counseling at the International Business Center to exhibitors and assist foreign buyers to meet their purchasing/representation objectives during the show.

(c) US&FCS staff will participate, if appropriate, in special export promotion seminars specifically aimed at new-to-market/new-to-export firms exhibiting at the trade show.

Specific Responsibilities of the Show Organizer

Show organizers selected for the Foreign Buyer Program must:

(a) Designate an official authorized to work with the US&FCS project manager on all aspects of the show promotion as well as a contact during the show to assist with foreign visitor information and product referral (matchmaking services).

(b) Produce and distribute a multilingual promotional brochure in four or more languages and in the quantities specified by the project manager for overseas distribution. Draft of the brochure must be approved by the project manager prior to printing and include the FBP logo and information on the Program and the services available for the international buyer. These brochures must be printed not less than six months prior to the show.

When mailing the brochures to overseas posts, the show organizer is expected to provide names of attendees to the most recent show (by country and on mailing labels if possible), most recent show directory/exhibits guide, and a press release directed to prospective international attendees. Copies of Commercial News USA advertisement, promotional video, etc., also may be made available.

(c) Produce a one-page promotional advertisement to be placed in Commercial News USA. Advertisement must be approved by the project manager, have FBP logo prominently and appropriately displayed, and refer foreign firms to "the Commercial Section of the nearest U.S. Embassy or Consulate" for information on the show(s).

(d) Coordinate with project manager in developing and promoting delegation incentive program to U.S. Embassies and Consulates. Program may include reduced admission fees, complimentary accommodations for delegation leaders leading delegations of more than 15 foreign buyers, etc., all intended to encourage recruitment of delegations.

(e) Provide overseas posts with hotel information at least 6 months prior to the event. Coordinate hotel reservations arrangements.

(f) With guidance from project manager, prepare and distribute an information letter and survey to U.S. exhibitors before show to determine interest in exporting and international marketing objectives. Information collected will include products or services that the U.S. exhibitors wish to export, international marketing objectives and geographic areas of interest to the company. Information will be incorporated by the show organizer into the show directory or as a separate Export Interest Directory. If published as an Export Interest Directory, two to three copies will be distributed to all Department of Commerce posts overseas 1–3 months prior to the show. If published in the show directory, copies will be distributed upon completion of the show. Preliminary copies may be distributed overseas prior to the show, if possible. Mailing labels will be provided by Commerce.

(g) Establish an International Business Center (IBC) at the show in a prominent location adjacent to the main registration area with conspicuous display of signage throughout the show to indicate its location. The IBC will consist of a separate registration area for foreign visitors (see item K), lounge area, 2 to 3 conference rooms, and a

business office for USDOC officials. The show organizer will staff the IBC with interpreters covering 5–7 languages and sufficient show organizer personnel to assist the two USDOC officials from Washington and the one District Office trade specialist. USDOC design specifications do not allow for pipe and drape at the IBC. A hard panel system is required. A business services center (photocopying, facsimile service, typing, etc.) for attendees and exhibitors may be located within the IBC.

(h) Provide to the project manager a proposed Convention Center floor layout indicating the location and dimensions of the International Business Center at least six (6) months prior to the event.

(i) Provide all U.S. exhibitors with information about the IBC and Department of Commerce services prior to the show and encourage them to visit the IBC.

(j) Include a one page advertisement in the show directory/exhibits guide highlighting the FBP and the IBC, and publish in the Show Daily an article describing the FBP and the services provided at the IBC. The copy will be supplied by the Department of Commerce.

(k) Establish a separate international registration system to ensure Commerce project managers access to all foreign attendees at time of registration and to facilitate distribution of the Export Interest Directory and Importer Profile cards. This registration area should be located within the IBC or adjacent to it. The Importer Profile should include the product interest and marketing objectives of all foreign buyers interested in meeting with U.S. exhibitors. (Show organizers are also encouraged to computerize this information). The Importer Profile will be posted at the International Business Center for the benefit of U.S. exhibitors and U.S. attendees interested in international business and will be disseminated at the conclusion of the event to all U.S. exhibitors indicating interest in international business.

Important: The Show Organizer must provide a cashier to process all international registration and seminar fees. DOC employees are not bonded and, therefore, cannot handle currency.

(l) Within 3 months following the show, send the following information to all posts: Results of the selected FBP event and information on the next show, copies of the export interest and show directories, importer profile and printout of the names and addresses of the foreign attendees from the respective countries (Embassy/Consulate mailing labels will be provided by the project manager).

(m) Show organizer will provide mailing labels to project officer so that a survey of U.S. exhibitors in the Export Interest Directory to determine international business results can be accomplished. Survey will include the number of useful international contacts at the event, number of representative/distributor agreements made or pending, joint venture or licensee type arrangements made or pending, dollar value of overseas orders booked at event, and projected overseas sales as a result of contacts made at the event. This information will be incorporated into the final report to be prepared by the DOC project manager.

(n) Upon notification of acceptance into the Foreign Buyer Program, remit the appropriate contribution. For this recruitment period the contribution is $4,000 for shows of 5 days or less in duration. For shows over five days in duration the fee is $6,000.

Selection: Selection indicates that the Department has found the event to be a leading international trade show appropriate for participation by U.S. exporting firms and promotion in overseas markets by U.S. Embassies and Consulates. Selection does not constitute a guarantee by the U.S. Government of success of the show or of the undertakings or obligations of the show organizer. Selection is not an endorsement of the show organizer except as to its Foreign Buyer activities. Each successful applicant will be given copies of an official U.S. Department of Commerce Foreign Buyer Program logo for use in its advertising promotional materials concerning the Foreign Buyer Program. Show organizers may use the logo to signify their participation in the Program. However, the logo may not be used to indicate or imply Departmental endorsement, except as to an organizer's Foreign Buyer activities. Advertising and promotional materials shall not result in embarrassment to the Department or the Foreign Buyer Program. Further, DOC review by the project manager of any materials using the logo is necessary.

Exclusions: Trade shows will not be considered that are either first time events or are horizontal, that is, not industry specific. Annual trade shows will not be selected for this program more than twice in any three year period (e.g., shows selected for fiscal years 1992 and 1993 are not eligible for inclusion in this program in fiscal year 1994, but will be considered in subsequent years).

When, Where and How to Apply for Selection in the 1994 Foreign Buyer Program

Except to the extent required by law, no information of a proprietary nature reported on this application will be disclosed without the prior written consent of the relevant firm.

Please type the information requested below on company letterhead and mail two (2) complete sets of your application to: Product Manager, Foreign Buyer Program, room 2116, Cooperative Events Division, OEMP/EPS, U.S. and Foreign Commercial Service, International Trade Administration, U.S. Department of Commerce 14th and Constitution Avenue, NW., Washington, DC 20230.

Applications must be received at the above address by August 4, 1992. Facsimile applications will not be accepted. Answers to the questions listed below constitutes the formal application:

(1) Name of show.

(2) Site of show.

(3) Dates of show. Indicate if show is held annually, biennially, or other.

(4) Name, address, and phone number of applicant.

(5) Name, address, and phone number of applicant contact.

(6) Name, address, and phone number of show sponsor (trade association, national or state government, etc.)

(7) Basic history or description of show. Applicant must demonstrate that subject event is a leading international trade show for the industry (e.g., what makes this show unique compared to other U.S. or international shows?). Includes copies of previous show promotion materials.

(8) Resume of applicant's show experience.

(9) Number of total exhibitors at the past two shows (separate U.S. and foreign).

(10) Specify net square feet of paid exhibit space in the past two shows. Separate U.S. and foreign.

(11) Specify the total number of attendees at the past two shows (separate U.S. and foreign). Also include the number of countries represented at past two shows. Do *not* include exhibitor attendance in these figures.

(12) State any admission fees for show visitors (exhibit only) and indicate if there are or will be reduced or waived fees for international visitors or for members of U.S. Embassy delegations.

(13) Give a description of any technical program offered and the cost to attend (if applicable).

(14) State product categories to be displayed.

(15) State the audience profile of potential foreign customers (target countries, industries, profession or technical level).

(16) Describe marketing efforts made to promote event overseas for prior show and proposed marketing plan for event being applied for (e.g., use of overseas trade associations, publications, travel agents, etc.)

(17) Specify delegation incentives to be offered to delegations and delegation leaders recruited through U.S. Embassies or Consulates (examples include waived or reduced admission fees to the exhibition or conference, competitive travel packages, plant tours, international receptions, complimentary accommodations for delegation leaders, etc.).

(18) Submit two (2) sets of all show promotional literature, including show catalog, for previous show.

Applicant must type the following and submit with the appropriate signature:

"The above information is correct and the applicant will abide by the terms set forth in this Notice of Call for Applications for the FY93 Foreign Buyer Program (October 1, 1993, through September 30, 1994)."

Applications will be processed by the Cooperative Events Division, Office of Export Marketing Programs, Export Promotion Services, and final selection of events will be made approximately 75 days after publication of this Federal Register notice. *Contribution:* A contribution of $4,000 for shows of 5 days or less in duration is required. For shows over five days in duration a fee of $6,000 is required. Fees are for shows selected and promoted during the October 1, 1993, through September 30, 1994, period.

ITA has determined that this action is not a major rule within the meaning of section 1(b) of Executive Order 12291. Therefore, a Regulatory Impact Analysis has not nor will be prepared. Because a notice of proposed rulemaking and an opportunity for public comment is not required for this agency action relating to practice and procedure under the Administrative Procedure Act (5 U.S.C. 553) or any other statute, no initial or final Regulatory Flexibility Analysis has to be or will be prepared. This notice does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

Ann H. Watts,

Director, Cooperative Events Division, Office of Export Marketing Programs, Export Promotion Services, U.S. and Foreign Commercial Service, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 92-16237 Filed 7-9-92; 8:45 am]

BILLING CODE 3510-FP-M

National Oceanic and Atmospheric Administration

Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of intent to prepare a Supplemental Environmental Impact Statement (SEIS) and request for comments.

SUMMARY: NOAA announces the intent of the Caribbean Fishery Management Council (Council) to prepare an SEIS to assess the potential impacts on the human environment of expanding the Fishery Management Plan for the Shallow-Water Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands (FMP) to include the deep-water reef fish resources and components of the marine aquarium trade. These management changes would be made through Amendment 2 to the FMP. The Council also is considering as part of Amendment 2 the closure of two additional red hind spawning aggregation areas to rebuild this overfished resource as well as closure of a mutton snapper and tiger grouper spawning aggregation area. Amendment 2 to the FMP also would: Prohibit the harvest of jewfish and possibly red grouper; establish marine reef reserves; modify fish trap restrictions; prohibit the use of destructive methods of harvesting species in the marine aquarium fishery; and institute mandatory permitting and reporting requirements that could lead subsequently to an effort limitation program. The intent of this notice is to inform the public of the council's (1) concerns over the current uncontrolled harvest of certain reef resources, (2) intention to amend the FMP to address these concerns, and (3) plans to prepare an SEIS covering the environmental effects on the human environment of the fishery as proposed under the management changes.

Resource-related problems and management alternatives were discussed at meetings of the Shallow-Water Reef Fish Mangement Committee and the Council in Hato Rey, Puerto Rico, June 26–28, 1991, and at Council Meetings in St. Thomas, U.S. Virgin Islands, October 30–31, 1991, and San Juan, Puerto Rico, March 26–27, 1992. These issues also were discussed at meetings of the Council's Scientific and Statistical Committee and Reef Fish Advisory Panel held on March 10–11, 1992. In view of these previous discussions, no additional scoping meetings are scheduled. Public hearings will be held on the draft Amendment 2 and the draft SEIS; dates will be announced later.

DATES: Public comments are invited until July 31, 1992.

ADDRESSES: Comments and questions regarding the proposed management changes should be directed to Miguel Rolon, Executive Director, Caribbean Fishery Mangement Council, suite 1108, Banco Popular, Hato Rey, Puerto Rico 00918 (809) 766–5926.

FOR FURTHER INFORMATION CONTACT: Mr. Miguel Rolon (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Background

The FMP was prepared by the Council under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act) and was implemented in September 1985. The FMP established a management program for shallow-water reef fish resources within the Exclusive Economic Zone (EEZ) of the Council's area of jurisdiction. The preponderance of fishery resources managed under the FMP occur in waters under the authority of the Commonwealth of Puerto Rico and the Territory of the U.S. Virgin Islands. The FMP's management program was extended to the shoreline with agreement that the island governments would adopt compatible regulations.

The FMP's initial measures were designed to rebuild declining reef fish resources and established: (a) A minimum mesh size of 1.25 inches (3.2 centimeters) for fish traps; (2) requirements for degradable panels and door fasteners on traps; (3) a prohibition against hauling or tampering with another person's traps without written permission of the owner; (4) a vessel and gear identification system; (5) a prohibition on using poisons, drugs, other chemicals or explosives for taking fish in the management unit; (6) incremental size limits for Nassau grouper (*Epinephelus striatus*) and yellowtail snapper (*Ocyurus chrysurus*); and (7) a spawning season closure for Nassau grouper.

In November 1990, Amendment 1 to the FMP: (1) Prohibited the harvest or possession of Nassau grouper; (2) provided for the annual closure to all fishing within a red hind (*Epinephelus guttatus*) spawning aggregation area in the EEZ southwest of St. Thomas; (3) defined overfishing for reef fish; (4) revised the habitat section of the FMP; (5) increased the minimum allowable mesh size for fish traps to 2.0 inches (5.1 centimeters) effective September 1991; and (6) provided for the collection of socioeconomic information under existing state/federal agreements. These measures were designed to guard against continued declines of Nassau grouper and red hind resources and to increase escapement of juveniles and smaller reef fishes from traps. The mesh size increase proposed for fish traps was later reduced to 1.5 inches (3.8 centimeters) to minimize economic impacts on the industry until studies could be conducted within the management area to more thoroughly evaluate the effectiveness of various mesh sizes and shapes. This adjustment provided additional protection to the resource over the initial 1.25-inch (3.2-centimeter) mesh size requirement. At the same time, escape panel requirements also were specified for the various allowable mesh sizes, and jute twine, no greater than ⅛ inch (0.3 centimeter) in diameter, was prescribed as the only acceptable fastening material for panels. Also, provisions for utilizing the access door as one of the required panels were described. The escape panels are designed to prevent continued fishing and subsequent mortality of fishes by traps that are lost (ghost traps).

Issues

The actions proposed in Amendment 2 address continuing and growing concerns by the Coun cil over scarce resources, the need to protect important species when they aggregate for spawning, and the need to extend management protection to other reef-associated species not presently in the management unit. Of some 350 species of shallow-water reef fish in the Caribbean, about 180 are landed throughout the region and collectively comprise the most important fishery in the islands. The management unit currently includes the 64 most commonly landed species that dominate the catch from the shoreline to the edge of the insular platform. At greater depths beyond the platform, another fishery occurs—the deep-water reef fish fishery.

The distribution of some of the species overlap with the shallow-water reef fishes, although the deep-water species are more abundant as adults in deeper waters. With the possible exception of red and tiger grouper, measures are not envisioned initially for deep-water species due to lack of data on the status of stocks. Measures in the existing FMP to prohibit the use of chemicals and explosives to harvest reef fishes would apply immediately. Including these species in the management unit facilitates future regulatory action if necessary. Inclusion of the deep-water fishery adds 14 species to the FMP management unit.

Upwards of 105 species of reef-associated fishes are taken by the marine aquarium trade industry. A decline in abundance has been noted for some of the more desirable species in certain localities. The ecological effects of their removal are unknown, and some of the most widely used collecting methods employ chemicals and nets that damage the reef habitat and inflict mortality upon fishes and associated invertebrates. Expanding the FMP management unit to include marine aquarium species would obviate the need for a separate fishery management plan and provide a mechanism to manage initially this select group of fishes under the existing restrictions on the use of chemicals and explosives and small-mesh traps. Certain kinds of nets that have a potential for damaging reef resources also would be prohibited by this amendment. Harvest of certain species either could be regulated or prohibited as necessary. These adjustments in Amendment 2 would require changing the FMP title, expanding the management unit, and updating the entire FMP to describe the fisheries incorporated. Marine aquarium invertebrate species would be included in the Fishery Management Plan for Corals and Associated Invertebrates of Puerto Rico and the U.S. Virgin Islands, which is currently being developed.

Following collapse of the Nassau grouper resource, the red hind became the single most important species in the fishery; however, statistics show a decrease in the number of young fish in the population. Whenever possible, the Council relies upon closing aggregation sites during spawning seasons to enhance reproductive capacity. Most species that aggregate during the spawning season are highly vulnerable to capture at that time. Allowing mature individuals the opportunity to spawn is important to reverse declines in abundance. Even some fishermen have requested closure of spawning aggregation areas for red hind. A spawning aggregation area off St. Thomas, described and closed during the 1989–90 spawning season (December-February) by emergency regulatory action, has been closed during each successive spawning season under Amendment 1. Two additional spawning area closures for red hind are being considered under Amendment 2.

A decline in the abundance of jewfish (*Epinephelus itajara*) has been noted throughout the management area and may extend throughout the Caribbean Basin. Similar declines in the Gulf of Mexico and off the south Atlantic coast of the United States led to a total prohibition on jewfish harvest in those areas. The Council believes that the jewfish should be protected throughout its range. The species appears to be scarce wherever it occurs and has unique biological characteristics that make it highly susceptible to overfishing. The U.S. Virgin Islands government has listed jewfish as a protected species, and prohibits its take in Territorial waters.

Proposed Management Measures and Alternatives Under Consideration

In considering how to amend the FMP to protect more adequately reef resources and to address the specific issues above, the Council has already considered several alternative approaches. At this time, the Council's preferences include:

(1) Expansion of the management unit so that protection may be afforded to deep-water reef resources and finfishes in the marine aquarium trade, as appropriate.

(2) Prohibition of the use of noxious chemicals and other destructive gears for collecting marine aquarium fishes.

(3) Establishment of permitting and reporting systems administered by the local governments to obtain reef fish catch-and-effort data. These systems will serve as a basis for developing limited access programs for the fishery.

(4) Prohibition of the harvest of scarce or severely overfished resources. Jewfish, as well as the young of overfished species harvested in the aquarium trade (such as red hind, Nassau grouper, and others) are candidates for harvest prohibitions.

(5) Closing additional red hind aggregation areas to all fishing during the spawning season. Closure of spawning aggregation sites for mutton snapper and tiger grouper also are being considered.

(6) Establishing marine coral reef reserves at strategic locations within the management area. These areas would be off limits to all fishing activity and

would serve as a genetic reservoir to ensure recruitment to surrounding areas.

Scoping Process

As indicated in the Summary, the Council has identified needed management program changes, including a greatly expanded management unit encompassing the deep-water reef fishery and the marine aquarium fishery in addition to the shallow-water reef fish fishery. Amendment 2 also is designed to serve as the forerunner to a limited access system for the reef fish fishery. Although an EIS was developed for the original FMP, the Council recognized that the proposed changes are substantial and has concluded that an SEIS would be prepared for the fishery as proposed under Amendment 2. Finally, Amendment 2 will reopen an informal Section 7 Consultation on the fishery, as now required under the Endangered Species Act.

Timing of the Analysis and Tentative Decisionmaking Schedule

The Council has adopted a tentative schedule for preparation, review, and approval of Amendment 2. Under this schedule, the draft Amendment 2 and draft SEIS are planned for completion prior to the Council's September 1992 meeting. If acceptable draft documents are completed, the Council could decide then to release them for public review. Oral public comments on the proposed management changes will be invited at the September meeting. If the draft Amendment 2 and draft SEIS are released for public review, the comment period would probably occur during October and November. The Council intends to make final decisions on the management measures in Amendment 2 at its December 1992 meeting. Again, public comments on these decisions could be made to the Council at that meeting. Based on final Council decisions, a final Amendment 2 and final SEIS would be prepared and submitted to the Secretary of Commerce for review, approval, and implementation. The Council reserves the right to modify or abandon this schedule.

Under the Magnuson Act, Secretarial review and approval of a proposed amendment is completed in no more than 95 days and includes concurrent public comment periods on the amendment and proposed regulations. If Amendment 2 is approved by the Secretary, the new management measures are scheduled to become effective in the spring of 1993.

Dated: July 6, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-16236 Filed 7-9-92; 8:45 am]

BILLING CODE 3510-22-M

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

Discretionary Funds

AGENCY: Commission on National and Community Service.

ACTION: Notice of availability of funds.

SUMMARY: The Commission on National and Community Service is announcing the availability of its discretionary funds, the amount available, and the proposed uses for these funds. The Commission seeks comments on the proposed uses, as well as any new ideas.

ADDRESSES: All comments concerning these discretionary funds and their usage should be addressed to Mike Kenefick, Senior Grants Officer, Commission on National and Community Service, 529 14th Street NW., suite 452, Washington, DC 20045.

FOR FURTHER INFORMATION CONTACT: Mike Kenefick, Senior Grants Officer (202) 724-0600.

SUPPLEMENTARY INFORMATION: The Commission on National and Community Service, established by the National and Community Service Act of 1990, as amended, seeks to promote the development of a major national community service movement, focused initially on youth. Toward this end, the Commission funds a variety of programs to expand available full-time and part-time service opportunities that span the generations. In addition, the Commission is authorized to support this goal through training, technical assistance, conferences, and other means consistent with the Act. Up to $2.5 million in fiscal year 1992 discretionary funds has been allocated by the Board of Directors of the Commission for these purposes. Additional amounts may be available in fiscal year 1993. Some discretionary activities will be conducted by the Commission; others will be undertaken through grants to public or private nonprofit organizations.

Through this notice, the Commission is requesting comments regarding how it might best support the goal of a major national community service movement through activities such as those described below. These examples are only suggestions—comments may critique these ideas, expand on them, or suggest alternative approaches. The Commission is particularly interested in ways in which technology may be used to facilitate knowledge transfer, coalition building, and youth involvement.

In addition, public and private nonprofit organizations are invited to submit concept papers describing specific proposals in any of the above areas. Such concept papers must not exceed five double-spaced pages of narrative, and should be accompanied by a one-page budget estimate and a one-page resume or other biographical information about the project director or principle staff. Additional material should not be attached or submitted. All concept papers should include a cover sheet clearly stating the title of the proposed project and the name, address, and phone number of the project director and sponsoring organization. A concept paper may be submitted at any time by any public or private nonprofit organization. Concept papers will be reviewed by Commission staff to determine the proposal's potential for meeting the Commission's stated goals and its cost-effectiveness. Based on this review, applicants may be invited to submit a formal proposal. Final award decisions will be made by the Board of Directors.

This year's funds have been tentatively allocated as outlined below.

1. Up to $1 million for knowledge transfer activities that facilitate the communication of information, understanding, ideas, practices, inspiration and stimulation from leaders of exemplary programs to others through training, technical assistance, and other means. Clearinghouses are one example, and comments on the types of clearinghouses the Commission should support are welcome. The Commission has set K-12 activities as its first priority for a clearinghouse and we plan to issue a separate notice in the **Federal Register** on that at a later date. Examples of knowledge transfer activities include:

a. *Shared Learning Seminars:* A series of interactive meetings allowing Commission grantees and others to share experience in a way that accelerates learning and innovation.

(b) *Leader Site Visitation Program:* To provide grants to existing membership organizations to enable staff of new innovative programs to visit and learn from designated Commission "leader" programs.

c. *Knowledge Transfer Publications:* To disseminate written case studies of model programs, discussions of best

practices, and ways to solve practical problems.

d. *Information Exchange Telephone Conference:* Such as conferences scheduled, for example, monthly, on specific topics and allowing for experts to communicate practical information in an interactive format.

2. Up to $1 million for coalition building activities that will encourage and facilitate collaborations at the local, state, and national levels dedicated to building the infrastructure needed for a strong, diverse and innovative community service movement. Examples include:

a. *Strategy Meetings:* To bring diverse groups of leaders together to formulate cohesive strategies for promoting and supporting the community service movement. Meetings might involve a single sector (i.e. religious or foundation leaders) or provide for cross-fertilization (i.e. education reform leaders meetings with youth service leaders).

b. *Topical Discussions:* To allow for dialogue on important issues such as working effectively with monority communities, building strong programs in the inner city, or intergenerational collaborations.

c. *National and Regional Grantees Meetings:* Bringing grantees together for joint planning and to foster a sense of national identity and purpose.

3. Up to $250,000 for youth involvement in the leadership of the community service movement at every level. Examples include:

a. *Youth Voice State Implementation:* To provide grants to states to develop and support youth working groups to implement the state plan and document successful strategies involving youth in decision making.

b. *Youth training:* To educate young people about the Commission, teach leadership skills, and increase youth voice in policy-making.

c. *Documenting Young People In Service:* Through which young people around the country would document through photographs their peers' involvement in service. The result would be a traveling exhibit and book celebrating the work of young people.

d. *Forums for Young People:* To discuss and respond to the activities of the Commission and other initiatives in the youth service field.

4. Funds allocated for coalition building, knowledge transfer and youth involvement may be used for fellowships to further these goals. Nominations of individuals to be fellows and organizations who would host them would be accepted on an ongoing basis. Sponsoring or host organizations would be expected to provide administrative or overhead costs while the Commission would fund direct costs such as salaries and travel. Ideas from organizations who are interested in developing and coordinating a fellowship program are also welcome. Examples of fellowship initiatives include:

a. *Commission Senior Fellows:* A select number of proven leaders and innovators in the field freed half-time from their current programs to work with less experienced programs.

b. *Community Service Fellows:* Who would assist city, county, and state officials in identifying innovative ways in which community service can strengthen government services.

c. *Youth Fellows:* Who would be affiliated with public or private nonprofit organizations to help facilitate youth leadership and involvement.

Authority: 42 U.S.C. 12501 *et seq.*

Dated: July 6, 1992.

Catherine Milton,

Executive Director.

[FR Doc. 92-16231 Filed 7-9-92; 8:45 am]

BILLING CODE 6820-BA-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

New Transshipment Charges for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in the People's Republic of China

July 7, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs charging transsshipments to 1992 limits.

EFFECTIVE DATE: July 10, 1992.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a notice published in the Federal Register on January 2, 1992 (57 FR 50), CITA announced that Customs would be conducting other investigations of transshipments of textiles produced in China and exported to the United States. Based on these investigations, the U.S. Customs Service has determined that textile products in various categories, produced or manufactured in China and entered into the United States with the incorrect country of origin were transshipped in circumvention of the U.S.-China Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of February 2, 1988, as amended. In addition, charges are being applied to Category 239 because the product was substantially transformed in China. The U.S. Government informed the Government of the People's Republic of China in a letter dated April 10, 1992 of the charges to be made to the 1992 quotas. Accordingly, in the letter published below, the Chairman of CITA directs the Commissioner of Customs to charge the following amounts to the 1992 quota levels for the categories listed below:

Category	Amount to be charged to 1992 limit
239	231,285 kilograms.
336	1,500 dozen.
338	179,331 dozen.
338-S [1]	13,578 dozen.
339	52,636 dozen.
339-S [2]	145,576 dozen.
341	1,550 dozen.
347	91,927 dozen.
348	51,808 dozen.
359-O	30,115 kilograms.
359-C	40,882 kilograms.
369-O	200,276 kilograms.
634	3,983 dozen.
635	8,019 dozen.
638	600 dozen.
640	4,085 dozen.
641	9,458 dozen.
642	193 dozen.
645	434 dozen.
646	1,250 dozen.
647	45,295 dozen.
648	9,563 dozen.
659-O	2,786 kilograms.
659-S	25,694 kilograms.
845	1,500 dozen.
846	838 dozen.

[1] Charges to Category 338-S are in addition to those charges being made to Category 338.

[2] Charges to Category 339-S are in addition to those charges being made to Category 339.

U.S. Customs continues to conduct other investigations of such transshipments of textiles produced in China and exported to the United States. The charges resulting from these investigations will be published in the Federal Register.

The U.S. Government is taking this action pursuant to the U.S. letter dated April 10, 1992, the U.S.-China bilateral textile agreement of February 2, 1988, as amended, and in conformity with Paragraph 16 of the Protocol of Extension and Article 8 of the Arrangement Regarding International Trade in Textiles, done at Geneva on

December 20, 1973 and extended on December 14, 1977, December 22, 1981, July 31, 1986 and July 31, 1991.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 7, 1992.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: To facilitate implementation of the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetble Fiber Textile Agreement of February 2, 1988, as amended, between the Governments of the United States and the People's Republic of China, I request that, effective on July 10, 1992, you charge the following amounts to the following categories for 1992:

Category	Amount to be charged to 1992 limit
239	231,285 kilograms.
336	1,500 dozen.
338	179,331 dozen.
338–S [1]	13,578 dozen.
339	52,636 dozen.
339–S [2]	145,576 dozen.
341	1,550 dozen.
347	91,927 dozen.
348	51,808 dozen.
359–O [3]	30,115 kilograms.
359–C [4]	40,882 kilograms.
369–O [5]	200,276 kilograms.
634	3,983 dozen.
635	8,019 dozen.
638	600 dozen.
640	4,085 dozen.
641	9,458 dozen.
642	193 dozen.
645	434 dozen.
646	1,250 dozen.
647	45,295 dozen.
648	9,563 dozen.
659–O [6]	2,786 kilograms.
659–S [7]	25,694 kilograms.
845	1,500 dozen.
846	838 dozen.

[1] Category 338–S: all HTS numbers except 6109.10.0012, 6109.10.0014, 6109.10.0018 and 6109.10.0023.

[2] Category 339–S: all HTS numbers except 6109.10.0040, 6109.10.0045, 6109.10.0060 and 6109.10.0065.

[3] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025, 6211.42.0010 (Category 359–C); 6103.19.2030, 6103.19.4030, 6104.12.0040, 6104.19.2040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.0044, 6110.90.0046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.4030, 6204.12.0040, 6204.19.3040, 6211.32.0070 and 6211.42.0070 (Category 359–V).

[4] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020, 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010.

[5] Category 369–O: all HTS numbers except 6302.60.0010, 6302.91.0005, 6302.91.0045 (Category 369–D); 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015, 4202.92.6000 (Category 369–L); and 6307.10.2005 (Category 369–S).

[6] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.3038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.3014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.4015, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C); 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659–H); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 (Category 659–S).

[7] Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

This letter will be published in the **Federal Register**.

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc 92–16195; Filed 7–9–92; 8:45 am]

BILLING CODE 3510–DR–F

Textile and Apparel Categories With the Harmonized Tariff Schedule of the United States; Changes to the 1992 Correlation

July 6, 1992.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Changes to the 1992 Correlation.

FOR FURTHER INFORMATION CONTACT: Lori E. Goldberg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–3400.

SUPPLEMENTARY INFORMATION:

The Correlation: Textile and Apparel Categories based on the Harmonized Tariff Schedule of the United States (1992) presents the harmonized tariff numbers under each of the cotton, wool, man-made fiber, silk blend and other vegetable fiber categories used by the United States in monitoring imports of these textile products and in the administration of the bilateral agreement program. Effective on May 1, 1992, the 1992 Correlation was amended as follows, based upon Presidential Proclamation No. 6428, which implements Section 212 of the Caribbean Basin Economic Recovery Expansion Act of 1990:

Obsolete number	New number
6116.10.1820 (331)	6116.10.1720 (331)
6116.10.1830 (631)	6116.10.1730 (631)
6116.10.1840 (831)	6116.10.1740 (831)
6116.92.6010 (331)	6116.92.6410 (331)
6116.92.6020 (331)	6116.92.6420 (331)
6116.92.6030 (331)	6116.92.6430 (331)
6116.92.6040 (331)	6116.92.6440 (331)
6116.92.6050 (331)	6116.92.7450 (331)
6116.92.6060 (331)	6116.92.7460 (331)
6116.92.6070 (331)	6116.92.7470 (331)
6116.92.9000 (331)	6116.92.8800 (331)
	6116.92.9400 (331)
6116.93.6010 (431)	6116.93.6400 (431)
6116.93.6020 (431)	6116.93.7400 (431)
6116.93.9010 (631)	6116.93.8800 (631)
6116.93.9020 (631)	6116.93.9400 (631)
6116.99.5020 (631)	6116.99.4800 (631)
6116.99.5040 (631)	6116.99.5400 (631)
6216.00.1220 (331)	6216.00.1720 (331)
6216.00.1230 (631)	6216.00.1730 (631)
6216.00.1240 (831)	6216.00.1740 (831)
6216.00.3910 (331)	6216.00.3800 (331)
6216.00.3920 (331)	6216.00.4100 (331)
6216.00.5210 (431)	6216.00.5410 (431)
6216.00.5220 (431)	6216.00.5810 (431)
6216.00.5235 (631)	6216.00.5420 (631)
6216.00.5245 (631)	6216.00.5820 (631)

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 92–16196 Filed 7–9–92; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to

procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

It is proposed to add the following commodities and services to the Procurement List:

Commodities

Brake Pad Assembly, 2530–01–225–4215
Nonprofit Agency: Arizona Industries for the Blind, Phoenix, Arizona
Parts Kit, Automatic Transmission Filter, 2940–01–121–6350
Nonprofit Agency: Goodwill Industries—Knoxville, Inc., Knoxville, Tennessee

Services

Assembly of Promotional Material, U.S. Information Agency, Washington, DC
Nonprofit Agency: Virginia Industries for the Blind, Richmond, Virginia
Food Service Attendant, Naval Station and Deperming Station, Norfolk, Virginia
Nonprofit Agency: Louise W. Eggleston Center, Inc., Norfolk, Virginia
Grounds Maintenance, Marine Corps Reserve Center, 75th & Warwick Boulevard, Newport News, Virginia
Nonprofit Agency: Association for Retarded Citizens of the Peninsula, Hampton, Virginia

Beverly L. Milkman,

Executive Director.

[FR Doc. 92–16264 Filed 7–9–92; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Panel on Streamlining and Codifying Acquisition Laws

AGENCY: Defense Systems Management College, DOD.

ACTION: Notice of meeting.

SUMMARY: Open to the public on July 27, 1992, starting at 8:30 a.m. at the Defense Systems Management College in Building 184 on Fort Belvoir, VA. The panel will hear presentations and recommendations by the various panel working groups on the statutes they have reviewed to date. For further information contact Laura Neal at (703) 355–2665.

Dated: July 7, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92–16223 Filed 7–9–92; 8:45 am]

BILLING CODE 3810–10–M

Membership; Defense Mapping Agency Performance Review Board

AGENCY: Defense Mapping Agency (DMA) Department of Defense (DoD).

ACTION: Notice of membership of the Defense Mapping Agency Performance Review Board (DMA PRB).

SUMMARY: This notice announces the appointment of the members of the DMA PRB. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4). The Board provides fair and impartial performance appraisals and makes recommendations regarding performance ratings and performance awards to the Director, DMA.

EFFECTIVE DATE: August 20, 1992.

FOR FURTHER INFORMATION CONTACT: B.R. Webster, Defense Mapping Agency, Office of Human Resources, 8613 Lee Highway, Fairfax, VA 22031–2137, telephone (703) 285–9521.

SUPPLEMENTARY INFORMATION: Per 5 U.S.C. 4314(c)(4), the following is a standing register of executives appointed to the DMA PRB; specified PRB panels will be constituted from this standing register. Executives listed will serve a one-year renewable term, effective 20 August 1992.

Ancell, A. Clay
Deputy Director for Programs, Production and Operations, DMA Aerospace Center
Brown, William J.
Deputy Director for Programs, Production and Operations, DMA Hydrographic/Topographic Center
Coghlan, Thomas K.
Chief, Mapping and Charting Department, DMA Hydrographic/Topographic Center
Dierdorff, Curtis L.
Deputy Director for Human Resources, DMA
Gilliam, Penman R.
Deputy Director, DMA
DMA Performance Review Board Membership
Gustin, Russell T.
Chief, Digital Products Department, DMA Reston Center
Hall, Charles D.
Technical Director, DMA Hydrographic/Topographic Center
Hall, Robert H.
Deputy Director for Plans & Requirements, DMA
Henning, Thomas A.
Deputy/Technical Director, DMA Systems Center
Hogan, William N.
Deputy Director for Programs, Production and Operations, DMA
Jackson, Mikel F.
Chief, Digital Products Department, DMA Hydrographic/Topographic Center
Knopfel, Lawrence
Technical Director/Deputy Director, DMA Combat Support Center
Krygiel, Annette J.
Deputy Director for Modernization Development, DMA Systems Center
Labovitz, Mordecai Z.
Deputy Director for Acquisition, Installations and Logistics, DMA
Mendez, John M.
Deputy Director for Programs and Operations, DMA Systems Center
Muncy, Larry N.
Chief, Scientific Data Department, DMA Aerospace Center
Peeler, Paul L., Jr.
Director, DMA Technical Services Center
Phillips, Earl W.
Assistant Deputy Director for Production, Headquarters, DMA
Robinson, Bill E.
Assistant Deputy Director for Advanced Systems Requirements, DMA
Skidmore, James R.
Technical Director, DMA Aerospace Center
Smith, Kathleen M.
Chief, Digital Products Department, DMA Aerospace Center
Smith, Lon M.
Director, DMA Systems Center
DMA Performance Review Board Membership
Smith, Robert N.
Chief, Data Services Department, DMA Reston Center
Smith, William D.
Deputy Comptroller, DMA
Vaughn, John R.
Comptroller, DMA
Ward, Curtis B.
Assistant Deputy Director for Resources, Headquarters, DMA

Dated: July 6, 1992.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 92-16234 Filed 7-9-92; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Metal Casting Competitiveness Research Program; Solicitation for Financial Assistance

AGENCY: Department of Energy, Idaho Field Office.

ACTION: Solicitation for financial assistance: Metal Casting Competitiveness Research Program.

SUMMARY: Notice is hereby given that pursuant to Public Law 101-425, Department of Energy Metal Casting Competitiveness Research Act of 1990, the U.S. Department of Energy (DOE) Idaho Field Office (ID), is seeking applications for cost-shared research and technology development in the U.S. metal casting industry. The objective is to promote the competitiveness and energy efficiency of the U.S. metal casting industry through major gains in manufacturing productivity; remediation technologies; process cost reduction; and product quality improvement. This is a complete solicitation document. No other solicitation will be issued for this Metal Casting Competitiveness Research Program.

DATES: The effective date of this solicitation is July 10, 1992. The deadline for receipt of applications is October 6, 1992.

ADDRESSES: Applications shall be submitted to: [NUMBER DE-PS07-92ID13180]

J.O. Lee, Contracting Officer, Contracts Management Division, Financial Assistance Branch, 785 DOE Place, MS 1221, Idaho Falls, Idaho 83401-1562, Contact Point: Ginger Sandwina, (208) 526-8698.

SUPPLEMENTARY INFORMATION:

Background

The U.S. metal casting industry has been losing its competitive position in the domestic marketplace relative to imported castings for a number of years. The domestic metal casting industry, with costs which are typically 40 to 50 percent for charge materials, 20 to 30 percent for labor, and 15 to 20 percent for energy, is generally at a disadvantage when compared to most foreign competitors. In addition, many foreign competitors obtain R&D assistance funded by their governments. Moreover, they are not required to meet stringent environmental regulations, while the ability of the U.S. metal casting industry to compete is adversely affected because of the expense of complying with rules and regulations intended to protect the environment and the workplace. These advantages often outweigh the additional transportation and distribution costs incurred by foreign competitors entering the U.S. market for metal castings. A technically advanced and viable metal casting industry is essential to the competitiveness of many American industries. Many metal casting companies lack the resources to conduct metal casting research alone due to the fragmented nature of the industry. In order to improve the competitiveness and energy efficiency of the U.S. metal casting industry, the Office of Industrial Processes (OIP) of the DOE is sponsoring a new R&D program titled Metal Casting Competitiveness Research Program (MCCRP). As part of this program, this solicitation for federal financial assistance applications is being issued.

Project Description

DOE anticipates awarding up to four Cooperative Agreements as a result of this solicitation provided applications are received to further the objectives of Public Law 101-425 and funds are available. Total funds appropriated for this solicitation are $1,800,000. The Catalog of Federal Domestic Assistance Number for this program is 81.078. Each award will make available federal funds to a project on a cost-sharing basis, but the federal funding contribution will not exceed 50 percent of the total cost of a research project. Under Cooperative Agreements it is anticipated there will be substantial involvement by DOE.

DOE suggests, but does not require, a multi-phase approach and projects may be initiated at the bench, laboratory, or pilot-scale levels. The period of performance for Phase I is anticipated to be 12 months. At the end of Phase I, provided satisfactory progress has been made and funds are available, DOE may award a continuation of work to undertake further development if the participant demonstrates a continuing need for federal assistance, shows sufficient progress in the research effort in Phase I, has completed Phase I in compliance with its management plan, and identifies the new research planned. In its determination, DOE will take into account the recommendations and guidance made by the Industrial Advisory Board established in accordance with Public Law 101-425.

The thrust of the Program is directed towards R&D which will improve the competitive position and energy efficiency of the U.S. metal casting industry, defined as the industries identified by codes numbered 3321, 3322, 3324, 3325, 3363, 3364, 3365, 3366, and 3369, in the Standard Industrial Classification manual published by the Office of Management and Budget in 1987. Utilizing the recommendations of the DOE Metal Casting Industrial Advisory Board, and in accordance with the objectives of Public Law 101-425, the below listed priority research subject areas have been identified. Applicants should focus their effort on the seven subject areas identified with a bullet (•), which have the highest priority. One, or more, of the lower priority listed subjects may be included in the proposed research. Proposals for research in areas not included in the list below will not be considered. Applications should explain why industry is not already performing the proposed research and why DOE funding is appropriate.

A. Solidification and Casting Technologies:

• (1) Dimensional control of castings.

• (2) Clean cast metal technology.

(3) Expendable pattern casting technology.

B. Computational Modeling and Design:

• (1) Computer integrated processing methods for productivity and quality improvements such as CAD, CAE, CAM and CIM.

C. Processing Technologies and Design for Energy Efficiency, Material Conservation, Environmental Protection, or Industrial Productivity:

(1) Energy Efficiency:

• (a) Aluminum Furnace Optimization

(b) Cupola Furnace Optimization

(2) Material Conservation:

• Process improvements for lightweight components of aluminum, magnesium, and thin-wall

(3) Environmental Protection:

• Sand reclamation

• Characterization of waste streams

(4) Industrial Productivity: Gating system removal technologies

D. Other Areas of Research:

(1) On-line process control (sensors) for molding, melting, and coremaking

(2) Plasma melting

Each proposal must contain the following:

1. A critical review of existing and emerging technologies, patents, on-going research, and practices, on a world-wide basis, that are and/or could be competitive with the proposed technology. The hurdles that must be

overcome to ensure commercial viability must be identified;

2. (a) An initial economic evaluation indicating the potential for a significant reduction in manufacturing costs and/or a significant improvement in product value due to an improvement in product characteristics, and (b) an estimate of the economic benefit to the domestic metal casting industry; and

3. An estimate of the potential energy savings attributable to the implementation of the technology expected to result from the proposed research.

4. Public Law 101–425 proposal criteria:

(1) Demonstrate the support of the metal casting industry by describing:

(A) How industry has participated in deciding what research activities will be undertaken;

(B) How industry will participate in the evaluation of the applicant's progress in research and development activities; and

(C) The extent to which industry funds are committed to the applicant's proposal.

(2) Demonstrate a commitment for matching funds from non-federal sources, which shall consist of:

(A) Cash, or

(B) As determined by DOE, the fair market value of equipment, services, materials, appropriate technology transfer activities, and other assets directly related to the proposal's cost;

(3) Include a single or multiyear management plan that outlines how the research and development activities will be administered and carried out;

(4) State the annual cost of the proposal and a breakdown of those costs; and

(5) Describe the technology transfer mechanisms the applicant will use to make available research results to industry and to other researchers.

The management plan shall:

(1) Outline the basic research and development activities expected to be performed;

(2) Outline who will conduct those research activities;

(3) Establish the time frame over which the research activities will take place; and

(4) Define the overall program management and direction by:

(A) Identifying managerial, organizational and administrative procedures and responsibilities;

(B) Outlining how the coordination of research and development between the individuals and organizations involved will be achieved;

(C) Demonstrating how implementation and monitoring of the progress of research projects after receipt of funding from the Secretary will be achieved;

(D) Demonstrating how recommendations and implementations on modifications to the plan will be achieved; and

(E) Providing sufficient rationale to support the plan's costs.

Underlying assumptions along with detailed calculations to support the claimed economic and energy efficiency benefits must be included in the application. The applicant shall identify in its proposal that it has in existence at the time the application is submitted the following qualifications:

a. The technical capability to enable it to make use of existing research support and facilities in carrying out its research objectives;

b. A multidisciplinary research staff experienced in metal casting or other directly related technologies; and

c. The facilities and equipment capable of conducting at least laboratory scale testing or demonstration of metal casting or related processes.

Evaluation of Applications

1. Qualified Applicants

The following entities are qualified to respond to this solicitation:

(A) an educational institution;

(B) a consortium of educational institutions;

(C) a consortium of educational institution(s) with one or more of the following: Government-owned laboratories, private research organizations, nonprofit institutions, or private firms; that is located in a region where the metal casting industry is concentrated.

2. Evaluation of Applications

a. Application Deadline: The deadline for receipt of applications is September 21, 1992. Only applications which are timely in accordance with 10 CFR 600.13, will be evaluated. Late applications will be handled in accordance with 10 CFR 600.13.

b. Selection of Proposals: Only those proposals which meet all of the requirements of this solicitation will be considered for selection. Selections will be made in accordance with the following selection criteria and programmatic considerations:

1. The research proposal has the potential for making a significant contribution to improving the competitiveness of the domestic metal casting industry by offering technology which is based upon sound scientific and engineering principles, is technically feasible and cost effective, and has practical industrial application.

2. The research proposal has the potential for making a significant contribution to resolving one or more environmental, safety or health issues prevalent in the domestic metal casting industry.

3. The research proposal contains a quality, realistic and workable management plan fully addressing all management plan proposal guidelines.

4. The research proposal identifies a viable mechanism to facilitate the transfer of the technology to the metal casting industry at the earliest practicable time;

5. The research proposal contains evidence of strong support by the metal casting industry by identifying significant industry involvement in preparation of the proposal and in performing the research activities; and

6. The extent of the financial commitment of non-Federal sources to the research activities.

c. Weighting of Criteria: Criteria 1 is weighted two times Criteria 2. Criteria 2 is weighted two and one half times Criteria 3. Criteria 4, 5 and 6 are weighted equal and combined are weighted one and one half times Criteria 3.

In conjunction with the evaluation results and rankings of individual proposals, the Government will make selections for negotiations and planned awards from among the highest ranking proposals utilizing the following programmatic considerations:

• To the greatest extent possible and subject to available appropriations, selection decisions will ensure that at least one applicant is selected from each of the four census regions of the country where the metal casting area is concentrated.

• It is desirable to implement each research and development project as a continuing collaborative effort in which the participants represent both the scientific/engineering research disciplines as well as members of the metal casting industry engaged in its practical, daily operations and experienced in the application of advanced metal casting processes.

• To the maximum extent possible, the research and development activities should be conducted on the premises of the industrial participants in the proposed projects.

• It is desirable that a dominant portion of the proposed research focus on improving metal casting processes and the application of emerging advanced technologies in the typical U.S. metal casting company.

• Proposals that have the potential to save significant energy and provide significant cost benefits are preferred.

d. All Applications will be Evaluated Under the Office of Conservation and Renewable Energy Merit Review of Discretionary Financial Assistance Applications Review Procedures for Solicited Proposals. Selections for negotiations are expected to be made November 9, 1992, and financial assistance awards are expected to be made during the first six months of fiscal year 1993.

Conditions, Instructions, and Notices to Applicants

1. General Conditions

The applications will be evaluated in accordance with the applicable DOE Financial Assistance Rules, Code of Federal Regulations, Title 10, Chapter II, Subchapter H, Part 600, and the criteria and programmatic considerations set forth in this solicitation. In conducting this evaluation, the Government may utilize assistance and advice from non-Government personnel. Applicants are therefore requested to state on the cover sheet of the applications if they do not consent to an evaluation by such non-government personnel. The applicants are further advised that DOE may be unable to give full consideration to an application submitted without such consent. DOE reserves the right to support or not to support any, all, or any part of any application. All applicants will be notified in writing of the action taken on their applications in approximately 90 days after the closing date for this solicitation, provided no follow-up clarifications are needed. Status of any application during the evaluation and selection process will not be discussed with the applicants. Unsuccessful applications will not be returned.

2. Instructions for Preparation of Applications

Each application in response to this solicitation should be prepared in one volume. One original and six copies of each application is required. The application facesheet is the Standard Form 424.

a. Proprietary Proposal Information: Applications submitted in response to this solicitation may contain trade secrets and/or privileged or confidential commercial or financial information which the applicant does not want used or disclosed for any purpose other than evaluation of the application. The use and disclosure of such data may be restricted provided the applicant marks the cover sheet of the application with the following legend, specifying the pages of the application which are to be restricted in accordance with the conditions of the legend:

> The data contained in pages _____ of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this applicant receives an award as a result of or in connection with the submission of this application, DOE shall have the right to use or disclose the data herein to the extent provided in the award. This restriction does not limit the government's right to use or disclose data obtained without restriction from any source, including the applicant.

Further, to protect such data, each page containing such data shall be specifically identified and marked, including each line or paragraph containing the data to be protected with a legend similar to the following:

> Use or disclosure of the data set forth above is subject to the restriction on the cover page of this application.

It should be noted, however, that data bearing the aforementioned legend may be subject to release under the provisions of the Freedom of Information Act (FOIA), if DOE or a court determines that the material so marked is not exempt under the FOIA. The Government assumes no liability for disclosure or use of unmarked data and may use or disclose such data for any purpose.

Applicants are hereby notified that DOE intends to make all applications submitted available to non-Government personnel for the sole purpose of assisting the DOE in its evaluation of the applications. These individuals will be required to protect the confidentiality of any specifically identified information obtained as a result of their participation in the evaluation.

b. *Budget:* A budget period is an interval of time (usually 12 months) into which the project period is divided for funding and reporting purposes. Project period means the total approved period of time that DOE will provide support contingent upon satisfactory progress and availability of funds. The project period may be divided into several budget periods. Each application must contain Standard Forms 424A. The budget summary page only needs to be completed for the first budget period; all other periods of support requested should be shown on the total costs page.

Items of needed equipment should be individually listed by description and estimated cost, inclusive of tax, and adequately justified. The type and extent of budgeted travel and its relation to the research, should be specified. Anticipated consultant services should be justified and information furnished on each individual's expertise, primary organizational affiliation, daily compensation rate and number of days of expected service. Consultant's travel costs should be listed separately under travel in the budget.

3. Notices to Applicants

a. *False Statements:* Applications must set forth full, accurate, and complete information as required by this solicitation. The penalty for making false statements is prescribed in 18 U.S.C. 1001.

b. *Application Clarification:* DOE reserves the right to require applications to be clarified or supplemented to the extent considered necessary either through additional written submissions or oral presentations.

c. *Amendments:* All amendments to this solicitation will be mailed to recipients who submit a written request for the application forms.

d. *Applicant's Past Performance:* DOE reserves the right to solicit from available sources relevant information concerning an applicant's past performance and may consider such information in its evaluation.

e. *Commitment of Public Funds:* The Contracting Officer is the only individual who can legally commit the Government to the expenditure of public funds in connection with the proposed award. Any other commitment, either explicit or implied, is invalid.

f. *Effective Period of Application:* All applications should remain in effect for at least 180 days from the closing date.

g. *Availability of Funds:* The actual amount of funds to be obligated in each fiscal year will be subject to availability of funds appropriated by Congress to carry out the purposes of the Act (Pub. L. 101–425).

h. *Assurances and Certifications:* DOE requires the submission of preaward assurances of compliance and certifications which are mandated by law. The assurance and certification forms will be provided in the application package and consist of the following:

i. *Preaward Costs:* The government is not liable for any costs incurred in preparation of an application. Awardees may incur preaward costs up to ninety (90) days prior to the effective date of award. Should the awardee take such action, it is done so at the awardee's risk and does not impose any obligation on the DOE to issue an award.

j. *Patent Rights:* Pursuant to the direction in section 9 of Public Law 101–425, applicants are advised that patent

rights will be treated in accordance with Chapter 18, Title 35 of the United States Code.

k. *Loans under DOE Minority Economic Impact (MEI) Loan Program:* Applicants are advised that loans under the DOE Minority Economic Impact (MEI) Loan Program are not available to finance the cost of preparing an application pursuant to this solicitation.

l. *Environmental impact:* The applicant shall include a listing, discussion and existing documentation if the project/activity has the possibility of involving, generating or resulting in changes to any of the following: (1) Air Pollutants—released or discharged into the atmosphere through point or fugitive sources; (2) Liquid Effluent—any waste stream discharged; (3) Solid Waste—nonradioactive, nonhazardous solid waste; (4) Radioactive Waste—waste containing >2 nCi/g; (5) Hazardous Waste—RCRA hazardous per 40 CFR 261.3 and polychlorinated biphenyls (PCBs); (6) Mixed Waste—combination of radioactive and hazardous waste; (7) Chemical Storage/Use—define species, uses and estimates volumes; (8) Petroleum Products Storage—define product, volume, use and type of storage; (9) Asbestos Waste—define friability, estimated volume, and if project is renovation or demolition; (10) Water Use/Diversion—withdrawal of groundwater or diversion or withdrawal of surface water; (11) Sewage System—all pipes, tanks, treatment structures; disposal areas, etc. for collection, treatment, and disposal of sewage; (12) Clearing/Excavation—removal of surface debris, vegetation, and other changes in soil surface features; (13) Construction/Renovation; (14) Excess Noise Levels—ambient noise level name, near proposed project/activity; (15) Pesticide Use—identify pesticide name, target organism, use area, application rate, method, and applicator; (16) Radiation Exposures—radiation levels at or near the proposed project/activity.

The discussion shall address the following questions. Will this action contribute to a cumulative impact with on-going activities? Is this action related to a proposed action with potentially significant impacts? Will the project create uncertain, unique, or unknown risks? Will the project require siting, construction, or expansion of a waste facility? Will the project impact an RCRA-regulated unit or facility? Will the project threaten or violate any statute, regulation, or DOE Order? Will the project require any federal, state, or local permits, approvals, etc.? Has this action/area been previously assessed under NEPA? Will the action take place in an area of previous or on-going disturbance? Will the action have any socioeconomic concerns?

Will the project adversely affect any of the following environmentally sensitive resources? (1) Threatened/Endangered Species; (2) Wildlife/Vegetation; (3) Soils/Erosion; (4) Cultural/Historical; (5) Wilderness/Scenic Areas; (6) Prime/Unique Farmland; (7) Wild/Scenic Rivers; (8) Lakes/Floodplains/Wetlands; (9) Domestic/Groundwater; (10) Air Resources/Quality.

Discussions shall include how all environmental impacts will be mitigated. If an environmental impact cannot be mitigated, what are the direct and indirect, short term and long term adverse effects that cannot be avoided?

To facilitate handling, please place the following identification on the outside of the package containing your request for the application forms:

Solicitation: DE–PS07–92ID13180
Procurement Request Number: 07–92ID13180

Dated: July 2, 1992.

David W. Newnam,

Acting Director, Contracts Management Division.

[FR Doc. 92–16268 Filed 7–9–92; 8:45 am]
BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RS92–11–000]

Texas Eastern Transmission Corp.; Conference

July 2, 1992.

Take notice that on July 14, 1992 and, if necessary, July 15, 1992, a conference will be convened in the captioned restructuring docket. The conference will be held at The Mayflower Hotel, 1127 Connecticut Avenue, NW., Washington, DC 20036. The conference will begin at 9 a.m. on July 14, 1992. All interested parties are invited to attend. Attendance at the conference however, will not confer party status. For additional information, interested parties can call Neil L. Levy at (202) 208–2794.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 92–16177 Filed 7–9–92; 8:45 am]
BILLING CODE 6717–10–M

Office of Hearings and Appeals

Notice of General Interest Concerning DOE's Crude Oil Overcharge Refund Program

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of general interest response to comments filed.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) has reviewed the comments filed in connection with a notice of Opportunity to File Comments published in the **Federal Register** on May 4, 1992. The notice announced that the OHA would take comments on the appropriate standard to be used in considering which products should be eligible for a refund in the DOE's ongoing crude oil overcharge refund proceeding. Set forth below are the conclusions reached regarding the comments received and a new, expanded eligibility standard.

ADDRESS: Motions for Reconsideration of previously-denied claims, which were based on the prior standard, should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Thomas L. Wieker, Deputy Director or Virginia A. Lipton, Assistant Director, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–2390 (Wieker), (202) 586–2400 (Lipton).

SUPPLEMENTARY INFORMATION: Notice is hereby given of a change in the standards used in considering Applications for Refund in the crude oil overcharge refund proceeding currently being conducted being conducted by the Office of Hearings and Appeals (OHA) of the Department of Energy (DOE). This proceeding takes place pursuant to 10 CFR part 205, subpart V and the DOE's Modified Statement of Restitutionary Policy, 6 Fed. Energy Guidelines ¶ 90,508A. To date, approximately $207.4 million in crude oil overcharge refunds has been distributed to claimants, and approximately $323.9 million remains in escrow to be distributed. The DOE also expects to receive additional crude oil overcharge monies arising from cases in administrative and judicial litigation and from settlements of those cases.

On May 4, 1992, the OHA published a Notice in the **Federal Register** requesting comments on the issue of which products should be eligible for a refund in the crude oil overcharge refund

proceeding. 57 FR 19124. In that notice we referred to the standard that we have applied in many previous cases. We had generally considered any product that was covered by the Emergency Petroleum Allocation Act (EPAA) of 1973 to qualify as a product that is eligible for a refund in this proceeding. Further, we utilized a presumption that any product regulated by the Agency during the August 19, 1973 through January 27, 1981 period was covered by the EPAA.

We experienced difficulties in applying the announced standard and the presumption. Accordingly, in the May 4 notice we requested comments regarding whether a different standard should be adopted. We have received a number of comments, reviewed them, and are now issuing a new standard bearing those comments in mind. We recognize that our May 4 notice stated that a hearing would be held regarding this issue if sufficient interest were indicated. In view of the consensus expressed by our commenters, we see no useful purpose in delaying a determination in order to convene a hearing. Accordingly, we will proceed directly to consider the comments and announce a new standard.

We received comments from: Great Lakes Carbon Corporation, Goodyear Tire & Rubber Company, Reynolds Metals Company, Eastman Kodak Company, Firestone Tire & Rubber Company, Kaiser Aluminum & Chemical Corporation, Aluminum Company of America, Lawter International, Philip Kalodner, Esq., on behalf of a group of utilities, transporter and manufacturers, and a group of States, by their counsel.

All agreed that we should use a somewhat broader refund eligibility standard than that described above. Except for the States, the commenters generally proposed an eligibility standard that includes not only products covered by the EPAA, but also all products produced from crude oil refiners. The States' formulation, though for all practical purpose the same, was expressed in a slightly different manner. They suggested an eligibility standard that would include all products specifically listed in one of the definitions of "covered products"as set forth in regulations promulgated pursuant to the EPAA. The States recommend that we also consider as eligible any products actually produced in a crude oil refinery.

We believe that there is considerable merit to the proposal that a change in our standard should be made. As an initial matter, the Consent Orders pursuant to which the DOE received and continues to collect crude oil overcharge funds settled allegations of crude oil price violations. These regulatory violations resulted in a uniform increase in the cost of crude oil refined by all crude oil refineries. As an economic matter, we generally believe that it is likely that crude oil overcharges were spread to all products that were produced from crude oil refineries. Accordingly, we are persuaded that a modification to include all products produced at a crude oil refinery is more likely to satisfy our restitutionary goals. See *OHA Report On Stripper Well Overcharges*, 6 Fed. Energy Guidelines ¶90,507 at 90,640.

The standard we will now use in considering applications for crude oil overcharge refunds is as follows. We will presume that a claimant incurred a crude oil overcharge in the purchase of a product during the relevant period if either that product was named as a covered product in regulations promulgated pursuant to the EPAA, or (a) was purchased from a crude oil refinery or (b) originated in a crude oil refinery and was purchased from a reseller who did not substantially change its form. 10 CFR 212.31 (definition of "Reseller").

This new standard will broaden eligibility for a crude oil overcharge refund. Our prior standard, which included only products covered by the EPAA, did not include all products produced by crude oil refineries. For example, petroleum coke, road oils, and refinery gas were previously not considered for refunds because they were not covered by the EPAA. However, these are clearly products which may be produced from a crude oil refinery. Therefore, to the extent that an applicant purchased these products and any other products from a crude oil refinery (or from a reseller who purchased them from a crude oil refinery, if the reseller did not substantially change their form), the applicant is presumed overcharged and eligible to file an application for a crude oil refund. Nevertheless, if it should come to our attention that a particular applicant did not incur crude oil overcharges, (i.e., crude oil overcharges were not included in the purchase price paid for a particular product) we will consider the overcharge presumption rebutted.

We will treat all products covered by the EPAA as having been produced at a crude oil refinery. Products not covered by the EPAA will be treated differently. It will be the burden of the applicant to establish that a product not within the definition of covered products under the EPAA was in fact produced at a crude oil refinery. See, definition of "covered products" at 40 FR 2795 (January 16, 1975).

We will continue to utilize the injury presumptions which have been developed in the crude oil proceeding. These presumptions are used to facilitate the process of determining whether a firm that incurred an overcharge was actually injured, and therefore is entitled to a refund, i.e. whether the firm absorbed or passed through that overcharge.

One further issue must be addressed at this point. In our May 4 Notice, we pointed out that broadening our eligibility standard could reduce the size of the aggregate refund paid to each eligible firm below the sum of the volumetric levels established in the various crude oil refund implementation orders. We asked for comments on whether such a result was warranted. 57 FR 19125. The comments we received indicate to us that there is some confusion on this issue, which warrants clarification here.

The Stripper Well Settlement Agreement specifies that at least 40 percent of all crude oil overcharge monies received goes directly to the States and that an equal amount goes to the Federal Government. This means that a maximum of 20 percent of crude oil overcharge remittances pursuant to the various consent orders constitutes the monies that are available for payments to applicants in the crude oil overcharge refund proceeding. However, in deriving our various crude oil volumetric refund amounts, we used as the numerator of the volumetric fraction the total crude oil overcharge monies received in connection with each crude oil consent order, including the funds remitted to the States and the Federal Government. The two trillion gallon denominator included all refined products consumed in the United States during the regulated period. Accordingly, if more that 400 billion gallons (20 percent of the roughly 2 trillion gallons in the denominator of the volumetric refund fraction) is approved for payments in our crude oil overcharge refund proceeding, the DOE will not have sufficient funds available to pay the aggregate amount indicated in the various crude oil implementation Orders. Therefore, the fact that the additional gallonage is eligible for a refund, as described above, may reduce the amounts otherwise available to claimants.

In spite of this fact, we believe that the new, expanded standard enunciated above is consistent with the relevant statutes and regulations, will produce fairer results, and allow us more

completely to fulfill the OHA's restitutionary responsibilities. We will therefore now consider crude oil overcharge claims by applying this standard. We will also liberally accept Motions for Reconsideration of claims which were previously denied based on the former EPAA standard.

Dated: July 2, 1992.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 92-16269 Filed 7-9-92; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 4152-1]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 10, 1992.

FOR FURTHER INFORMATION OR A COPY OF THIS ICR, CONTACT: Sandy Farmer at EPA, (202) 260-2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Recordkeeping and Periodic Reporting of the Production, Import, Export and Feedstock-use of Ozone Depleting Substances (EPA ICR #1432.11; OMB #2060-0170). This ICR requests renewal of the existing clearance.

Abstract: The EPA requires producers, consumers, importers and exporters of class I and class II ozone depleting substances to submit periodic reports to the Agency. The information reported includes the level of production, import, export and feedstock-use of the regulated substances. Facilities are also required to report on the status of their allotted production, transformation and consumption allowances. The Agency uses this information to monitor industry's compliance with the Clean Air Act and the Montreal Protocol.

Burden Statement: The public reporting burden for this collection of information is estimated to average 12 hours per response, including time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information.

Respondents: Producers, consumers, exporters, importers and transformers of class I and class II ozone depleting substances.

Estimated Number of Respondents: 95.

Estimated Total Annual Burden on Respondents: 34,814 hours.

Frequency of Collection: quarterly.

Send comments regarding the burden estimates, or any other aspect of the information collection, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch, 401 M Street, SW., Washington, DC 20460.

and

Troy Hillier, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20530.

Dated: July 2, 1992.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 92-16159 Filed 7-9-92; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-4152-3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared June 22, 1992 Through June 26, 1992 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1992 (57 FR 12499).

Draft EISs

ERP No. D-FHW-C40125-NY Rating EC2, Northern State Parkway Widening Project, Construction from Meadowbrook State Parkway Interchange to Wantagh State Parkway Interchange, Funding, Town of North Hempstead, Nassau County, NY.

Summary

EPA had concerns regarding the proposed project's potential ground water and air quality impacts. EPA requested that the final EiS include additional information on these issues.

ERP No. D-FHW-F40322-MN Rating EC2, I-35W/Washington Avenue South in Minneapolis to I-35E in Burnsville Improvements, Construction and Reconstruction, Funding, Section 404 and 10 Permits, U.S. CGD Permit, Cities of Minneapolis and Burnsville, Hennepin and Dakota Counties, MN.

Summary:

EPA requested additional information on alternatives and wetland mitigation sites and acreages.

Final EiSs

ERP No. F-FHW-E40730-FL, US 1/FL-5 Upgrading, Abaco Road on Key Largo to Card Sound Road, Updated Information, Funding and Coast Guard Bridges, NPDES and COE Permits, Dade and Monroe Counties, FL.

Summary

EPA expressed objections to the preferred alternative due to the loss of 164 areas of wetlands. EPA recommended that FHWA consider the option of not upgrading the entire 20.4 miles to a divided four-lane highway to reduce wetland impacts.

ERP No. F-FHW-K40178-CA, San Joaquin Hills Transportation Corridor Improvements, CA-73 Extension between I-5 in San Juan Capistrano City to Jamboree Road in Newport Beach City, Funding and Section 404 Permit, Orange County, CA.

Summary

EPA stated the final EIS does not fully describe cumulative impacts. In addition, EPA noted that mitigation to reduce or avoid impacts to air quality, wetlands and sensitive wildlife habitat should have been more developed in the final EIS and that appropriate commitments to implement such mitigation should have been included in the FEIS. EPA expressed its desire in working with project sponsors in completing mitigation plans for air quality, wetlands and wildlife habitat impacts.

ERP No. F-ICC-F53018-OH, Indiana and Ohio Railroad Line, Construction and Operation extending from the northern border at Brecon to the southern city limits of Mason, Right-of-Way, Butler, Warren, and Hamilton Counties, OH.

Summary

EPA expressed concerns about the proposed alternative and stated its belief that of the build alternatives, Alternative A is preferred since it is located further away from residential properties that the other alternatives.

Regulations

ERP No. R-HUD-A85044-00, 24 CFR Parts 50, 55, 200, 203, 204—HUD Systems for Approval of Single Family Housing in Subdivisions, Proposed Rulemaking, (57:74 FR 2352).

Summary:

EPA objected to HUD's exempting of the mortgage insurance endorsement from the National Environmental Policy Act (NEPA) without apparent statutory authority. EPA believes that these types of actions are more appropriate and might be included in HUD's list of NEPA categorical exclusions.

Dated: July 6, 1992.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 92-16222 Filed 7-9-92; 8:45 am]

BILLING CODE 6560-50-M

[ERL-FRL-4152-2]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260-5076 OR (202) 260-5075. Availability of Environmental Impact Statements Filed June 29, 1992 Through July 03, 1992 Pursuant to 40 CFR 1506.9.

EIS No. 920258, Draft EIS, NPS, WA, Hanford Reach of the Columbia River, Comprehensive River Conservation Study, Designation or Nondesignation, National Wildlife Refuge with Wild and Scenic River Overlay, Benton, Grant and Franklin counties, WA, Due: August 24, 1992, Contact: Bob Karotko (206) 553-4720.

EIS No. 920259, Draft EIS, AFS, ID, Moyer Salt Timber Sale, Timber Harvest and Road Construction/Reconstruction, Implementation, Salmon National Forest, Cobalt Ranger District, Lemhi County, ID, Due: August 24, 1992, Contact: Lynn M. Bennett (208) 756-2215.

EIS No. 920260, Final EIS, AFS, WA, Withrow Timber Sale, Implementation, Wenatchee National Forest, Naches Ranger District, Yakima County, WA, Due: August 10, 1992, Contact: John Durkee (509) 653-2205.

EIS No. 920261, Draft EIS FHW, WI, WI-131 and WI-33 Transportation Improvement, Relocation and/or Reconstruction, between Village of Ontario and Community of Rockton, Funding and Possible COE 404 Permit, Vernon County, WI, Due: August 31, 1992, Contact: Robert Cooper (608) 264-5940.

EIS No. 920262, Final EIS, VAD, NY, Albany New York Area National Cemetery Development, Construction and Operation, Sites Selection, Town of Florida, Montgomery County, Town of Saratoga and Town of Waterford, Saratoga County; Albany County, NY, Due: August 10, 1992, Contact: Robert J. Frazier (202) 233-7085.

EIS No. 920263, Final EIS, FAA, UT, Salt Lake City International Airport Expansion, Construction and Operation, Air Carrier Runway 16R/34L, Plan Approval, Funding and Section 404 Permit Issuance, Salt Lake City, Salt Lake County, UT, Due: August 10, 1992, Contact: Ms. Barbara Johnson (303) 286-5533.

EIS No. 920264, Final EIS, COE, FL, Everglades National Park Modified Water Deliveries, Implementation, Central and Southern Florida Project, Dade County, FL, Due: August 10, 1992, Contact: Jonathan D. Moulding (904) 791-2286.

EIS No. 920265, Draft EIS, FAA, CA, Burbank-Glendale-Pasadena Airport Land Acquisition and Replacement Terminal Project, Construction and Operation, Approval and Funding, Airport Layout Plan, Cities of Burbank, Glendale and Pasadena, Los Angeles County, CA, Due: September 08, 1992, Contact: William Johnstone (310) 297-1621.

EIS No. 920266, Draft EIS, UMT, CA, Tasman Corridor Mass Transit System Improvements, between Milpitas and Northern San Jose and Mountain View/Sunnyvale, Revised Information for the Locally Preferred Alternative, Funding, Santa Clara, CA, Due: August 25, 1992, Contact: Robert Hom (415) 744-3115.

Dated: July 6, 1992.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 92-16221 Filed 7-9-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4152-6]

Performance Evaluation Reports for Fiscal Year 1991; Section 105 Grants; Missouri, Kansas, Iowa, Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of grantee performance evaluation reports.

SUMMARY: EPA's grant regulations (40 CFR 35.150) require the Agency to conduct yearly performance evaluations on the progress of the approved State/EPA Agreements. EPA's regulations (40 CFR 56.7) require that the Agency make available to the public the evaluation reports. EPA has conducted evaluations on the Missouri Department of Natural Resources, Nebraska Department of Environmental Control, Iowa Department of Natural Resources, and Kansas Department of Health and Environment. These evaluations were conducted to assess the agencies' performance under the grants made to them by EPA pursuant to section 105 of the Clean Air Act.

EFFECTIVE DATE: July 10, 1992.

ADDRESSES: Copies of the evaluation reports are available for public inspection at the EPA's Region VII Office, Air and Toxics Division, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Carol D. LeValley at (913) 551-7610.

Dated: June 29, 1992.

Morris Kay,

Regional Administrator.

[FR Doc. 92-16261 Filed 7-9-92; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4152-4]

Science Advisory Board, Radiation Advisory Committee, High-Level Waste/Carbon-14 Release Subcommittee; Two Open Meetings, August 3-4 and August 4-5, 1992

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the High-Level Waste/Carbon-14 Release Subcommittee of the Science Advisory Board's (SAB) Radiation Advisory Committee (RAC) will meet August 3-4, 1992, at the Howard Johnson Hotel, 2650 Jefferson Davis Highway in the Crystal City section of Arlington, Virginia. The Subcommittee meeting will begin at 9 a.m. August 3 and end at noon August 4. The parent Radiation Advisory Committee will convene on August 4 at 1:30 p.m. and adjourn no later than 4:30 p.m. on August 5. Members of the Radiation Advisory Committee plan to attend the August 4 morning session of the Subcommittee. The meetings are open to the public and seating is limited.

First Meeting

On August 3 and 4, the Subcommittee will continue its review of issues relating to the gaseous release of carbon-14 from high-level radioactive waste disposal. The charge for this review appeared in the May 29, 1992 (57 FR 20747). The Subcommittee will consider the members' preliminary

thoughts and begin to develop a draft consensus position on the questions raised in the charge. The Subcommittee also hopes to be briefed on the potential for gaseous release of Iodine-129 and on the possible use of "getters"—materials which would chemically inhibit the release of carbon-14 from the spent fuel. The final meeting of the Subcommittee is scheduled for September 9–10, location within the Washington DC area to be announced in a subsequent notice.

When completed, the Subcommittee's report will be presented to and approved first by the RAC (probably at a public meeting October 29–30, 1992) and then by the SAB's Executive Committee (probably in January 1993) before becoming an approved SAB report.

Availability of Documents

The primary documents under Subcommittee review are, (1) "Office of Radiation Programs' Position on the Potential for Gaseous Release from a High-Level Waste Repository" and (2) the June 10, 1992 draft "Issues Associated with Gaseous Releases of Radionuclides for a Repository in the Unsaturated Zone" prepared by SC&A Inc. and Rogers & Associates Engineering Corp. for EPA's Office of Radiation Programs. Additionally, at its first meeting June 16–17, 1992, the Subcommittee expressed an interest in the Agency's dose calculations; the Agency expects to make these calculations available in July. Copies of the two review documents and other materials provided to the Subcommittee will be maintained in EPA Docket R–89–01 as announced in the **Federal Register** May 29, 1992.

Opportunity for Public Comments

Opportunity for public comments on this issue will also be provided at the August 3–4 Subcommittee meeting. Written comments may be of any length. Individuals who wish their materials sent to the Subcommittee before the August meeting should provide 20 copies to Mrs. Conway before July 24; individuals who wish to provide materials at the meeting should bring at least 50 copies so that there will be some for the audience as well as the Subcommittee.

At the August 3–4 meeting, the total time for oral public comments will be limited to approximately one hour. If many requests to present oral comments are received, each individual or group will be limited to five minutes. Members of the public who wish to make brief oral presentations to the Subcommittee should write or fax Mrs. Conway no later than noon Friday July 24. Requests for time for oral comment must include the name and affiliation of the speaker and the topic(s) to be addressed. Both an overhead projector and a 35 mm slide projector will be available. The SAB expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written comments.

Second Meeting

On August 4–5, 1992, the Radiation Advisory Committee will discuss uncertainty analysis, be briefed on how the Superfund program handles sites with radioactive materials, and hear requests for FY93 reviews. Members of the public who wish to make brief oral presentations to the Radiation Advisory Committee should write or fax Mrs. Conway no later than noon Friday July 24. One fifteen minute period will be scheduled for public comment on each day of the Committee meeting.

For details concerning these meetings, including draft agendas, please contact Mrs. Kathleen Conway or Mrs. Dorothy Clark, Science Advisory Board (A–101F), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Telephone 202/260–6552. Fax 202/260–7118.

Dated: July 2, 1992.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 92–16262 Filed 7–9–92; 8:45 am]

BILLING CODE 6560–50–M

[OPPTS–140185; FRL–4075–6]

Access to Confidential Business Information by Syracuse Research Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its contractor, Syracuse Research Corporation (SRC), of Syracuse, New York, for access to information which has been submitted to EPA under sections 4, 5, 8(a), 8(d), and 8(e) of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than July 20, 1992.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, TSCA Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under contract number 68–D9–0059, contractor SRC, of Merrill Lane, Syracuse, NY, will assist the TSCA Interagency Testing Committee in preparing semi-annual reports on health and environmental test data for existing chemicals as set forth in section 4(e) of TSCA.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–D9–0059, (SRC) will require access to CBI submitted to EPA under sections 4, 5, 8(a), 8(d), and 8(e) of TSCA to perform successfully the duties specified under the contract. SRC personnel will be given access to information submitted to EPA under sections 4, 5, 8(a), 8(d), and 8(e) of TSCA. Some of the information may be claimed or determined to be CBI.

In a previous notice published in the **Federal Register** of November 9, 1989 (54 FR 47128), SRC was authorized for access to CBI submitted to EPA under sections 4, 5, 8(a), 8(d), and 8(e) of TSCA. EPA is issuing this notice to extend SRC's access to TSCA CBI under contract number 68–D9–0059.

EPA is issuing this notice to inform all submitters of information under sections 4, 5, 8(a), 8(d), and 8(e) of TSCA that EPA may provide SRC access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters or contractor facilities.

Clearance for access to TSCA CBI under this contract may continue until July 29, 1992.

SRC personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: June 30, 1992.

George A. Bonina,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92–16161 Filed 7–9–92; 8:45 am]

BILLING CODE 6560–50–F

[OPPTS–140184; FRL–4074–4]

Access to Confidential Business Information by Mathtech, Incorporated

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized its subcontractor, Mathtech, Incorporated (MAT), of Princeton, New Jersey and Falls Church, Virginia, for access to

information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to the confidential data submitted to EPA will occur no sooner than July 20, 1992.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, TSCA Environmental Assistance Division (TS–799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under contract number 68–D8–0116, subcontractor MAT, of 210 Carnegie Center, Suite 200, Princeton, NJ and 5111 Leesburg Pike, Falls Church, VA 22041, under subcontract to ICF, Incorporated of Fairfax, VA, will assist the Office of Pollution Prevention and Toxics (OPPT) in performing economic and regulatory analyses of actual or potential EPA actions taken under TSCA.

MAT is working as a subcontractor under the ICF, Incorporated (ICF). Access to TSCA CBI by ICF was previously announced in the Federal Register of March 13, 1992 (57 FR 8873).

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number 68–D8–0116, MAT will require access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. MAT personnel will be given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide MAT access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters and MAT's Falls Church, VA facilities only.

MAT will be authorized access to TSCA CBI at its facilities under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. Before access to TSCA CBI is authorized at MAT's site, EPA will approve MAT's security certification statement, perform the required inspection of its facility, and ensure that the facility is in compliance with the manual. Upon completing review of the CBI materials, MAT will return all transferred materials to EPA.

Clearance for access to TSCA CBI under this subcontract may continue until September 30, 1992.

MAT personnel will be required to sign nondisclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: June 30, 1992.

George A. Bonina,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92–16202 Filed 7–9–92; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL RESERVE SYSTEM

Consumer Advisory Council; Solicitation of Nominations for Membership

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice.

SUMMARY: The Board is asking the public to nominate qualified individuals for appointment to its Consumer Advisory Council, which is comprised of representatives both of consumer and community interests and of the financial services industry. Nine new members will be selected for three-year terms that will begin in January 1993. The Board expects to announce the selection of new members by year-end 1992.

DATES: Nominations should be received by August 30, 1992.

ADDRESSES: Nominations should be submitted in writing to Dolores S. Smith, Assistant Director, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551. Information about nominees will be available for inspection upon request.

FOR FURTHER INFORMATION CONTACT: Bedelia Calhoun, Staff Specialist, Division of Consumer and Community Affairs, (202) 452–2412; or for Telecommunications Device for the Deaf (TDD) users only, Dorothea Thompson (202) 452–3544; Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: The Consumer Advisory Council was established in 1976 at the direction of Congress to advise the Federal Reserve Board on the exercise of its duties under the Consumer Credit Protection Act and on other consumer-related matters. The Council by law represents the interests both of consumers and of the financial community. Members serve three-year terms that are staggered to provide the Council with continuity. The Council's meetings are held in Washington, DC.

New members will be selected this year for terms beginning January 1, 1993, to replace members whose terms expire this year. Nominations should include the address and telephone number of the nominee, information about past and present positions held, and a description of special knowledge, interests or experience related to consumer credit or other consumer financial services. Persons may nominate themselves as well as other individuals.

The Board is interested in candidates who are willing to express their viewpoints and who have some familiarity with consumer financial services. Candidates do not have to be experts on all levels of consumer financial services, but they should possess some basic knowledge of the area. In addition, they should be able to make the necessary time commitment to prepare for and attend meetings (usually two days long including committee meetings) three times a year.

In making the appointments, the Board will seek to complement the qualifications of continuing Council members in terms of affiliation and geographic representation, and to ensure the representation of women and minority groups. The Board expects to announce its selection of new members by year-end.

Council members whose terms end on December 31, 1992 are listed below:

George C. Galster, Professor of Economics, The College of Wooster, Wooster, OH
E. Thomas Garman, Professor of Consumer Studies, Virginia Polytechnic Institute and State University, Blacksburg, VA
Deborah B. Goldberg, Reinvestment Specialist, Center for Community Change, Washington, DC
Michael M. Greenfield, Professor of Law, Washington University, St. Louis, MO
Collen D. Hernandez, Executive Director, Kansas City Neighborhood Alliance, Kansas City, MO
Kathleen E. Keest, Staff Attorney, National Consumer Law Center, Boston, MA
Bernard F. Parker, Jr., Executive Director, Community Resource Projects, Detroit, MI
Nancy Harvey Steorts, President, Nancy Harvey Steorts & Associates, Dallas, TX
Sandra L. Willett, Consultant on Quality Service, Boston, MA

Other Council members, whose terms continue through 1993 and 1994 are listed below (together with the expiration date of each one's term of office).

Barry Abbott, Partner, Morrison & Foerster, San Francisco, CA, December 31, 1994
John R. Adams, Corporate Vice President and Compliance Officer, CoreState Financial

Corporation, Philadelphia, PA, December 31, 1994
John A. Baker, Senior Vice President, Equifax, Inc., Atlanta, GA, December 31, 1994
Veronica E. Barela, Executive Director, NEWSED Community Development Corporation, Denver, CO, December 31, 1993
Mulugetta Birru, Executive Director, Homewood-Brushton Revitalization & Dev. Corp., Pittsburgh, PA, December 31, 1994
Genevieve Brooks, Deputy Borough President, Office of the Bronx Borough President, Bronx, NY, December 31, 1994
Toye L. Brown, Director, Massachusetts Bay Transportation Authority, Boston, MA, December 31, 1993
Cathy Cloud, Enforcement Program Director, National Fair Housing Alliance, Washington, DC, December 31, 1994
Denny D. Dumler, Senior Vice President, Colorado National Bank of Denver, Denver, CO, December 31, 1993
Michael D. Edwards, President, Prairie Security Bank, Yelm, Washington, December 31, 1994
Donald A. Glas, President, First State Federal Savings and Loan Association, Hutchinson, MN, December 31, 1993
Joyce Harris, President & CEO, Telco Community Credit Union, Madison, WI, December 31, 1993
Julia E. Hiler, Executive Vice President, Sunshine Mortgage Corporation, Marietta, GA, December 31, 1993
Gary S. Hattem, Vice President, Bankers Trust Company, New York, NY, December 31, 1994
Henry Jaramillo, Jr., President, Ranchers State Bank, Belen, NM, December 31, 1993
Edmund Mierzwinski, Consumer Advocate, U.S. Public Interest Research Group, Washington, DC, December 31, 1994
Otis Pitts, Jr., President, Tacolcy Economic Development Corporation, Miami, FL, December 31, 1993
Jean Pogge, Vice President and Manager of Development Deposits, South Shore Bank, Chicago, IL, December 31, 1994
John V. Skinner, President & CEO, Jewelers Financial Services, Inc., Irving, TX, December 31, 1994
Lowell N. Swanson, President, United Finance Co., Portland, OR, December 31, 1994
Michael W. Tierney, Program Director, Local Initiatives Support Corporation, Washington, DC, December 31, 1994

Board of Governors of the Federal Reserve System, July 6, 1992.

William W. Wiles,

Secretary of the Board.

[FR Doc. 92-16198 Filed 7-9-92; 8:45 am]

BILLING CODE 8210-01-M

The Bank of New York Company, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than August 3, 1992.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. The Bank of New York Company, Inc., New York, New York; to engage *de novo* in the making of equity and debt investments in corporations or projects designed primarily to promote community welfare, such as economic rehabilitation and development of low-income areas by providing housing, services or jobs for residents, pursuant to § 225.25(b)(6) of the Board's Regulation Y; and to invest in New York Equity Fund 1992 Limited Partnership.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Firstar Corporation, Milwaukee, Wisconsin; to acquire Elan Life Insurance Company, Milwaukee, Wisconsin, and thereby engage in credit life insurance, pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 6, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-16202 Filed 7-9-92; 8:45 am]

BILLING CODE 6210-01-F

Credit Suisse, et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 3, 1992.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33

Liberty Street, New York, New York 10045:

1. Credit Suisse, Zurich, Switzerland, and CS Holding, Zurich, Switzerland; to engage *de novo* in foreign exchange advisory and transactional services, pursuant to § 225.25(b)(17) of the Board's Regulation Y, and thereby provide by any means, general information and statistical forecasting with respect to foreign exchange markets; advisory services designed to assist customers in monitoring, evaluating, and managing their foreign exchange exposures; and transactional services with respect to foreign exchange by arranging for "swaps" among customers with complementary foreign exchange exposures and for the execution of foreign exchange transactions; investment advice on financial futures and options on futures, pursuant to § 225.25(b)(19) of the Board's Regulation Y, and thereby provide investment advice, including counsel, publications, written analyses and reports, as a commodity trading advisor registered with the Commodity Futures Trading Commission, with respect to the purchase and sale of futures contracts and options on futures contracts for the commodities and instruments referred to in § 225.25(b)(18) of the Board's Regulation Y.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Lincolnshire Bancshares, Inc., Lincolnshire, Illinois; to engage *de novo* in making and servicing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y, by purchasing loan participations from its banking subsidiary, Success National Bank, Lincolnshire, Illinois.

C. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. BankAmerica Corporation, San Francisco, California; to engage *de novo* through its subsidiaries, Seafirst Corporation, Seattle, Washington, and Seafirst Community Service Corporation, Seattle, Washington, in community development activities, pursuant to § 225.25(b)(6) of the Board's Regulation Y.

2. Saratoga Bancorp, Saratoga, California; to engage *de novo* through its subsidiary, Saratoga National Bank, Saratoga, California, in origination and/or purchase of loans and/or participations, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 6, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-16203 Filed 7-9-92; 8:45 am]

BILLING CODE 6210-01-F

First Lucedale Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 3, 1992.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. First Lucedale Bancorp, Inc., Lucedale, Mississippi; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Lucedale, Lucedale, Mississippi.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Coal City Corporation, Coal City, Illinois; to acquire at least 80 percent of the voting shares of Manufacturers National Corporation, Chicago, Illinois, and thereby indirectly acquire Manufacturers Bank, Chicago, Illinois.

Board of Governors of the Federal Reserve System, July 6, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-16204 Filed 7-9-92; 8:45 am]

BILLING CODE 6210-01-F

James Lewis Hewitt; Change in Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than July 30, 1992.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. James Lewis Hewitt, Orlando, Florida; to acquire an additional 4 percent, for a total of 26.4 percent, of the voting shares of Florida Security Holding Corporation, Orlando, Florida, and thereby indirectly acquire United American Bank of Central Florida, Orlando, Florida.

Board of Governors of the Federal Reserve System, July 6, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-16205 Filed 7-9-92; 8:45 am]

BILLING CODE 6210-01-F

PNC Financial Corp, et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The

listed companies have also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 7, 1992.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. PNC Financial Corp, Pittsburgh, Pennsylvania, and PNC Bancorp, Inc., Wilmington, Delaware; to acquire 100 percent of the voting shares of CCNB Corporation, Camp Hill, Pennsylvania, CCNB Bank, National Association, Camp Hill, Pennsylvania, and The Gettysburg National Bank, Gettysburg, Pennsylvania.

In connection with this application, PNC Financial Corp also proposes to acquire Chartier Life Insurance Company, Phoenix, Arizona, and thereby engage in credit life insurance to consumer borrowers of its banking affiliates, all of which are wholly owned subsidiaries of Chartier Life Insurance Company's parent holding company, CCNB Corporation, pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Barnett Banks, Inc., Jacksonville, Florida; to acquire 100 percent of the voting shares of 7L Corporation, Tampa, Florida, and First Florida Banks, Inc., Tampa, Florida, and thereby indirectly acquire First Florida Bank, N.A., Tampa, Florida.

In connection with this application, Applicant also proposes to acquire FFB Insurance Agency, Inc., Tampa, Florida, and thereby engage in credit life insurance sales related to extensions of credit, pursuant to § 225.25(b)(8) of the Board's Regulation Y; and to acquire an additional 15 percent, for a total of 22.5 percent, of Southeast Switch, Inc., Maitland, Florida, and thereby engage in the operation of an automated teller machine network, pursuant to § 225.25(b)(7) of the Board's Regulation Y, and offering consulting services to electronic funds transfer networks, pursuant to § 225.25(b)(11) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 6, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-16206 Filed 7-9-92; 8:45 am]

BILLING CODE 6210-01-F

GENERAL SERVICES ADMINISTRATION

Environmental Impact Statement for the Proposed Federal Courthouse Facility, Located in Portland, Oregon

AGENCY: General Services Administration.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The General Services Administration (GSA) hereby gives notice that it intends to prepare an Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act of 1969 (NEPA) for the proposed Federal Courthouse building in Portland, Oregon. The EIS will evaluate the proposed project, the no-action alternative, and other reasonable alternatives identified in the scoping process. Scoping will be accomplished by correspondence, and through a public scoping meeting, with interested persons, organizations, and federal, state, and local agencies.

ADDRESSES: Written comments on the scope of alternatives and potential impacts should be addressed to the GSA's EIS contractor, Woodward-Clyde Consultants, at the following address: Woodward-Clyde Consultants, 111 SW. Columbia Ave., suite 990, Portland, Oregon 97201.

DATES: Written comments should be sent to Woodward-Clyde Consultants by August 21, 1992. Comments will also be accepted at a public scoping meeting from 3:30 p.m. to 9 p.m. on August 10, 1992, at the location indicated below.

PUBLIC SCOPING MEETING: Comments and suggestions will be solicited at a public scoping meeting to be held at: The Portland Building, 1120 SW. Fifth Ave. Room C on the 2nd Floor, Portland, Oregon 97204.

The meeting will be held on August 10, 1992, from 3:30 p.m. to 9:00 p.m. during which time, interested parties can discuss and comment on the proposed project. At 7:00 p.m., a group meeting will be convened which will include a brief presentation to include an overview of the proposed project and the EIS process. At this time, there will be an opportunity to make comments in a group setting. All comments received throughout the day will be made part of the administrative record for the EIS and will be evaluated as part of the scoping process.

FOR FURTHER INFORMATION CONTACT: Krista Reininga at Woodward-Clyde Consultants, 111 S.W. Columbia Suite 990, Portland Oregon 97201, (503) 222-7200, or Jim Schultz, General Services Administration, (206) 931-7258.

SUPPLEMENTARY INFORMATION: GSA, assisted by the EIS contractor, will prepare an environmental impact statement (EIS) on a proposal to design and construct a new federal courthouse in Portland, Oregon. The scoping process will determine the scope of issues to be addressed in the EIS and to identify the significant issues related to the proposed project. Scoping will be conducted in a manner consistent with NEPA guidelines. GSA will serve as lead agency for the preparation of the EIS pursuant to § 1501.5(a) of the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (CEQ Regulations 40 CFR parts 1500-1508).

Scoping

GSA invites interested individuals, organizations, and federal, state and local agencies to participate in defining the reasonable alternatives to be evaluated in the EIS, and in identifying any significant social, economic, or

environmental issues related to the alternatives. Scoping comments can be made verbally at the public scoping meeting or in writing (see the **DATES** and **ADDRESS** sections above for location and time of scoping meeting). During scoping, comments should focus on identifying specific impacts to be evaluated and suggesting alternatives that minimize adverse impacts while achieving similar objectives. Comments may also identify issues which are not significant or which have been covered by prior environmental review. Scoping should be limited to commenting on alternatives and not commenting on preferences. There will be an opportunity to comment on preferences after the Draft EIS is completed.

Additional Information

A project information packet will be available at the public scoping meeting, or can be obtained by contacting Woodward-Clyde Consultants. The packet will describe in more detail the proposed project, the relocation of residents to available existing housing, alternatives, and the EIS process.

Mailing List

If you wish to be placed on the mailing list to receive further information as the EIS process develops, contact Woodward-Clyde Consultants at the address listed above.

Project Purpose, Historical Background, and Project Description

The need for developing a new Federal Courthouse building in Portland is to house the U.S. District Court's current space needs and to accommodate its anticipated incremental growth through the year 2020. Currently, the U.S. District Courts occupy the Gus J. Solomon Courthouse, located at 620 SW. Main Street, Portland, as well as various leased locations throughout downtown Portland. Since the Solomon Courthouse is filled to capacity, the long-term needs of the Courts cannot be met by this facility alone.

In 1989, GSA first addressed the need for additional space with a construction plan to develop an annex to the Solomon Courthouse. Work on the project was halted when it was determined that the design, which was to be constructed adjacent to the Solomon Courthouse, would not accommodate court needs. Also, results of a 1990 Long Range Facility Plan, conducted by the Administrative Office of U.S. Courts (AOC) with GSA participation, indicated a dramatic increase in space requirements for current and future (30 years) needs.

Therefore, the Commissioner for Public Buildings Service directed GSA to develop a Modified Prospectus Development Study and to solicit, investigate, and select up to the point of award, a site for a new Federal Courthouse in downtown Portland. GSA then selected an architectural firm, and negotiations are underway for the design of the proposed new courthouse.

Initially, use of the proposed building would be shared by the Courts and other executive agencies. The agencies would be replaced as the Courts expand, until 2020, when the building would be fully occupied by Courts and agencies specifically related to the Courts. The building design should reflect the dignity and permanence of the Court, respond to the unique urban environment in which it will be located, and provide the optimum life cycle cost benefit to the government. The project scope includes the construction of a building with 339,670 square feet of occupiable area with approximately 14 floors. The building will house executive agencies, joint use spaces (conference rooms, fitness center), food service and GSA building management functions. It will provide space for 349 additional employees and 678 employees currently in leased space. In addition, 200 parking spaces are required by the Court Housing Plan. The facility will conform to the U.S. Courts Design Guidelines. The total project cost is currently estimated at $133,810,349.

Alternatives

In 1991, GSA established an 11 by 12 block study area in the central business district of downtown Portland to locate a potential site for the proposed courthouse. This area is bounded by Alder Street on the north, Front Street on the east, Mill Street on the south, and 12th Avenue on the west. Nine potential sites were identified and subjected to preliminary evaluation. Of the nine sites identified, three were found technically acceptable and referred for possible selection.

Site #1, referred to as the "Hamilton Hotel" site, is the preferred site and was selected for further study and acquisition negotiations because of its location in the area designated as a Government Center in the Portland master plan. Site #1 is located on the block bounded by 3rd Avenue on the west, 2nd Ave. on the east, SW. Main St. on the south, and SW. Salmon St. on the north. It is currently occupied by the Hamilton Hotel and the Lownsdale Hotel. There are several small businesses located along the street frontage of the hotels, a two-story office structure and surface parking lot.

Site #2 is located on the block bounded by 5th Ave. on the west, 4th Ave. on the east, Columbia St. on the north, and Clay St. on the south. This block is currently occupied by the vacant State Office Building. The third site that was technically suitable was Terry Schrunk Plaza, which is federally owned and houses the underground parking garage for the Green/Wyatt Federal Building. This site will not be studied as it is the least desirable alternative.

Probable Effects

GSA will evaluate all significant environmental, social, and economic impacts of the alternatives to be analyzed in the EIS. Impacts anticipated include, but are not limited to, changes in the social environment, changes to land use, neighborhood impacts, housing, noise, aesthetics, historic resources, changes in traffic patterns, economic impacts, changes to the natural environment, and conformance to City planning and zoning requirements. The impacts will be evaluated both for the construction period and for the life of the project. Measures to mitigate significant adverse impacts will be addressed.

Procedures

The Draft EIS will be prepared based upon the scoping report. After its publication, the Draft EIS will be available for public and agency review and comment, and a public hearing will be held. A Final EIS will be prepared that addresses the comments on the Draft EIS.

Dated: July 2, 1992.

Robert D. Eberle,

Regional Administrator.

[FR Doc. 92-16284 Filed 7-9-92; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

On Fridays, the Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following are those information collections recently submitted to OMB.

1. Analysis and Comparison of State Board and Care Regulations and their Effect on the Quality of Care in Board and Care Homes—New—This study will examine the effects of different state regulatory systems on the performance of board and care homes in the ten study states. The study will also examine the effect of licensure on the quality of care in the homes and provide descriptive data about the homes, owners/operators, staff and residents. Respondents: State or local governments, business or other for-profit, small businesses; Burden Information on the Operator Interview and Supplement—Number of Respondents: 612; Frequency of Response: once; Average Burden per Response: 40 minutes; Estimated Burden: 408 hours—Burden Information on the Staff Interview—Number of Respondents: 912; Frequency of Response: once; Average Burden per Response: 20 minutes; Estimated Burden: 304 hours—Burden Information on the Resident Interview—Number of Respondents: 3,460; Frequency of Response: once; Average Burden per Response: 20 minutes; Estimated Burden: 1,153 hours—Burden Information on Resident Medication Supplement—Number of Respondents: 3,460; Frequency of Response: once; Average Burden per Response: 5 minutes; Estimated Burden: 214 hours—Total Burden for all Information Collections: 2,079 hours.

OMB Desk Officer: Allison Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 619–0511. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: June 25, 1992.

James F. Trickett,

Deputy Assistant Secretary for Management and Acquisition.

[FR Doc. 92–15935 Filed 7–9–92; 8:45 am]

BILLING CODE 4150–04–M

Food and Drug Administration

[Docket No. 92N–0258]

American Cyanamid Co.; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) held by the American Cyanamid Co. The NADA provides for the use of an Aureomycin SS Type A medicated article containing 4-grams-per-pound (g/lb) chlortetracycline to make a Type C poultry feed. The sponsor requested the withdrawal of approval.

EFFECTIVE DATE: July 20, 1992.

FOR FURTHER INFORMATION CONTACT: Mohammad I. Sharar, Center for Veterinary Medicine (HFV–216), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8749.

SUPPLEMENTARY INFORMATION: American Cyanamid Co., Agricultural Research Division, P.O. Box 400, Princeton, NJ 08543–0400, is the sponsor of NADA 55–017, which provides for the use of an Aureomycin SS Type A medicated article containing 4-g/lb chlortetracycline to make a Type C poultry feed. The sponsor requested the voluntary withdrawal of approval of the NADA by letter dated April 6, 1992.

Therefore, under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 55–017 and all supplements and amendments thereto is hereby withdrawn, effective July 20, 1992.

Dated: July 6, 1992.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 92–16283 Filed 7–9–92; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 92N–0280]

Pharmaceutical Basics, Inc.; Withdrawal of Approval of 63 Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of 63 abbreviated new drug applications (ANDA's) held by Pharmaceutical Basics, Inc. (PBI), 8755 West Higgins Rd., suite 810, Chicago, IL 60631. The agency has identified evidence from which it concludes that these applications contain untrue statements of material fact, and that the products covered by these applications lack substantial evidence of effectiveness. However, because PBI has waived its opportunity for a hearing, and requested that approval be withdrawn from the applications, the agency makes no findings of the existence of statutory grounds for withdrawal of approval.

EFFECTIVE DATE: July 10, 1992.

FOR FURTHER INFORMATION CONTACT: Megan L. Foster, Center for Drug Evaluation and Research (HFD–366), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–295–8041.

SUPPLEMENTARY INFORMATION: This notice pertains to the following ANDA's:

ANDA no.	Drug
70-168	Tolazamide Tablets, 250 milligrams (mg)
70-169	Tolazamide Tablets, 500 mg
70-203	Sulfamethoxazole and Trimethoprim Tablets, 400 mg/80 mg.
70-204	Sulfamethoxazole and Trimethoprim Tablets, 800 mg/160 mg
70-300	Carbamazepine Tablets, 200 mg
70-339	Metoclopramide Hydrochloride Tablets, 10 mg
70-427	Prazepam Capsules, 5 mg
70-428	Prazepam Capsules, 10 mg
70-477	Chlordiazepoxide and Amitriptyline Hydrochloride Tablets, 5 mg/12.5 mg
70-478	Chlordiazepoxide and Amitriptyline Hydrochloride Tablets, 10 mg/25 mg.
70-489	Temazepam Capsules, 15 mg
70-490	Temazepam Capsules, 30 mg
70-491	Trazodone Hydrochloride Tablets, 50 mg
70-492	Trazodone Hydrochloride Tablets, 100 mg
70-539	Lorazepam Tablets, 1 mg
70-540	Lorazepam Tablets, 2 mg
70-562	Flurazepam Hydrochloride Capsules, 15 mg
70-563	Flurazepam Hydrochloride Capsules, 30 mg
70-646	Megestrol Acetate Tablets, 20 mg
70-647	Megestrol Acetate Tablets, 40 mg
70-746	Oxybutynin Chloride Tablets, 5 mg
70-753	Acetohexamide Tablets, 250 mg
70-754	Acetohexamide Tablets, 500 mg
71-007	Meclofenamate Sodium Capsules, 50 mg
71-008	Meclofenamate Sodium Capsules, 100 mg
71-013	Metaproterenol Sulfate Tablets, 10 mg
71-014	Metaproterenol Sulfate Tablets, 20 mg
71-242	Clorazepate Dipotassium Capsules, 3.75 mg
71-243	Clorazepate Dipotassium Capsules, 7.5 mg
71-244	Clorazepate Dipotassium Capsules, 15 mg
71-260	Baclofen Tablets, 10 mg
71-261	Baclofen Tablets, 20 mg
71-283	Trimipramine Maleate Capsules, 25 mg
71-284	Trimipramine Maleate Capsules, 50 mg
71-285	Trimipramine Maleate Capsules, 100 mg
71-355	Tolazamide Tablets, 100 mg
71-537	Minoxidil Tablets, 2.5 mg
71-864	Desipramine Hydrochloride Tablets, 25 mg
71-865	Desipramine Hydrochloride Tablets, 50 mg
71-866	Desipramine Hydrochloride Tablets, 75 mg

ANDA no.	Drug
71-867	Desipramine Hydrochloride Tablets, 100 mg
72-001	Timolol Maleate Tablets, 5 mg
72-002	Timolol Maleate Tablets, 10 mg
72-003	Timolol Maleate Tablets, 20 mg
72-362	Fenoprofen Calcium Tablets, 600 mg
72-542	Lithium Carbonate Capsules, 300 mg
88-195	Hydroflumethiazide and Reserpine Tablets, 50/0.125 mg
88-708	Chlorpropamide Tablets, 100 mg
88-709	Chlorpropamide Tablets, 250 mg
88-719	Warfarin Sodium Tablets, 2 mg
88-720	Warfarin Sodium Tablets, 2.5 mg
88-721	Warfarin Sodium Tablets, 5 mg
88-745	Methyclothiazide Tablets, 5 mg
89-121	Hydroxyzine Hydrochloride Tablets, 10 mg
89-122	Hydroxyzine Hydrochloride Tablets, 25 mg,
89-123	Hydroxyzine Hydrochloride Tablets, 50 mg
89-211	Benztropine Mesylate Tablets, 0.5 mg
89-212	Benztropine Mesylate Tablets, 1.0 mg
89-213	Benztropine Mesylate Tablets, 2.0 mg
89-291	Hydrocodone Bitartrate and Acetaminophen Tablets, 5 mg/500 mg
89-348	Dipyridamole Tablets, 25 mg
89-349	Dipyridamole Tablets, 50 mg
89-350	Dipyridamole Tablets, 75 mg

After an extensive inspection of PBI, FDA became aware of untrue statements, discrepancies, and omissions relating to the batches of drug products used to support approval of these applications. FDA determined that these falsifications raise substantial questions about the reliability of the data submitted in support of these applications, and notified PBI of its intent to initiate proceedings to withdraw their approval. By letters dated January 9, 1992, PBI requested withdrawal of approval of the 63 ANDA's listed above, thereby waiving its opportunity for a hearing.

Therefore, under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), and under authority delegated to the Director of the Center for Drug Evaluation and Research (21 CFR 5.82), approval of the ANDA's listed above, and all amendments and supplements thereto, is withdrawn effective July 10, 1992. Distribution of these products in interstate commerce without an approved application is illegal and subject to regulatory action.

Dated: July 2, 1992.

Gerald F. Meyer,

Acting Director, Center for Drug Evaluation and Research.

[FR Doc. 92-16281 Filed 7-9-92; 8:45 am]

BILLING CODE 4160-01-F

Health Resources and Services Administration

Program Announcement and Proposed Funding Priority for Grants for Area Health Education Centers Special Initiatives

The Health Resources and Services Administration (HRSA) announces the acceptance for fiscal year (FY) 1993 for Grants for Area Health Education Centers Special Initiatives under the authority of section 781(a)(2) of the Public Health Service (PHS) Act, as amended by the Health Professions Reauthorization Act of 1988, title VI of Public Law 100-607. This program announcement is subject to reauthorization of this legislative authority and to the appropriation of funds. Comments are invited on the proposed funding priority.

The Administration's budget request for FY 1993 does not include funding for this program. Applicants are advised that this program announcement is a contingency action being taken to assure that should authority and funds become available for this purpose, they can be awarded in a timely fashion consistent with the needs of the program as well as to provide for even distribution of funds throughout the fiscal year. This notice regarding applications does not reflect any change in this policy.

Previous Funding Experience

Previous funding experience information is provided to assist potential applicants to make better informed decisions regarding submission of an application for this program. In FY 1992, HRSA reviewed 38 applications for AHEC Special Initiatives Grants. Of those applications, 50 percent were approved and 50 percent were not recommended for further consideration. Funds for FY 1992 have not yet been awarded. In FY 1991, HRSA reviewed 37 applications for AHEC Special Initiatives Grants. Of those applications, 76 percent were approved and 24 percent were not recommended for further consideration. Nine projects; or 31 percent of the approved applications, were funded.

Section 781(a)(2) authorizes Federal project assistance to medical and osteopathic schools which have previously received Federal financial assistance for an area health education center (AHEC) program under either section 802 of Public Law 94-484 in FY 1979 or under section 781(a)(1). In addition, section 781(a)(2) authorizes medical and osteopathic schools currently receiving Federal support for an AHEC program to apply for project assistance on behalf of an area health education center that is no longer federally funded as part of that program.

Section 781(a)(2) applications will be for projects to improve the distribution, supply, quality, utilization, and efficiency of health personnel in the health services delivery system; to encourage regionalization of educational responsibilities of the health professions schools; or to prepare, through preceptorships and other programs, individuals subject to a service obligation under the National Health Service Corps Scholarship program (section 338-A of the PHS Act) to effectively provide health services in health professional shortage areas (section 332 of the PHS Act). Public Law 101-597, enacted November 16, 1990, changed the term "Health Manpower Shortage Area" to read "Health Professional Shortage Area."

To receive support, programs must meet the requirements of regulations set forth in 42 CFR part 57, subpart MM. The period of Federal support shall not exceed 2 years.

National Health Objectives for the Year 2000

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The Area Health Education Centers Special Initiatives Program is related to the priority area of Educational and Community-Based Programs. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report; Stock No. 017-001-00473-1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (Telephone (202) 783-3238).

Education and Service Linkage

As part of its long-range planning, HRSA will be targeting its efforts to strengthening linkages between its training programs and U.S. Public Health Service programs which provide comprehensive primary care services to the underserved.

Review Criteria

The review of applications will take into consideration the following criteria:

1. The relative merit of the proposed project; and

2. The relative cost-efficiency of the proposed project.

In addition, the following mechanisms will be applied in determining the funding of approved applications.

1. Funding preferences—funding of a specific category or group of approved applications ahead of other categories or groups of applications, such as competing continuations ahead of new projects.

2/ Funding priorities—favorable adjustment of aggregate review scores when applications meet specified objective criteria.

The following funding preference was established in FY 1988 after public comment and the Administration is extending this preference in FY 1993.

Funding Preference

In making awards under section 781 for FY 1993, a funding preference will be given to approved competing continuation applications as authorized by section 781(a)(1).

The following funding priorities were established in FY 1991 after public comment and the Administration is extending these priorities in FY 1993.

Funding Priorities

In determining the order of funding of approved applications the following priorities will be given to:

1. Applications which demonstrate substantial clinical training (a student or resident clerkship or preceptorship of between 4 to 8 weeks) in one or more PHS Act section 332 Health Professional Shortage Area(s) and/or a PHS Act section 329 Migrant Health Center, PHS Act section 330 Community Health Center, or State-designated clinic/center serving an underserved population. Section 332 establishes criteria to designate geographic areas, population groups, medical facilities, and other public facilities in the States as Health Professional Shortage Areas. Section 329 authorizes support for migrant health facilities nationwide and comprises a network of health care services for migrant and seasonal farm workers. Section 330 authorizes support for community health care services to medically underserved populations.

2. Applications proposing centers (projects) that will serve Health Professional Shortage Areas with a greater proportion of American Indian/Alaskan Natives, Asian/Pacific Islanders, Blacks and/or Hispanics than exists in the general population in the United States.

Proposed Funding Priority for Fiscal Year 1933

Additionally, the following funding priority is proposed:

Applications which demonstrate the development or implementation of information dissemination systems with the capability to provide state-of-the-art information on clinical modalities, protocols, and other guidelines which can address emerging health issues such as substance abuse, clinical preventive services, infant mortality and geriatrics for primary care practitioners, including National Health Service Corps personnel.

This funding priority focuses on creating a network and infrastructure to transmit the most current information to practicing health professionals.

Interested persons are invited to comment on the proposed funding priority. All comments received on or before August 10, 1992, will be considered before the final funding priorities are established. No funds will be allocated or final selections made until a final notice is published stating whether the final funding priority will be applied.

Written comments should be addressed to: Director, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 4C–25, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Medicine, Bureau of Health Professions, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

Requests for application materials and questions regarding grants policy and business management aspects should be addressed to: Ms. Diane Murray, Grants Management Specialist (U–76), Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 8C–26, Rockville, Maryland 20857, Telephone: (301) 443–6857.

Completed applications should be forwarded to the Grants Management Branch at the above address.

The standard application form PHS 6025–1, HRSA Competing Training Grant Application, General Instructions and Supplement for this program have been approved by the Office of Management Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

The deadline date for receipt of applications is September 14, 1992. Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date, or

(2) Postmarked on or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant.

If additional programmatic information is needed, please contact: Ms. Cherry Tsutsumida, Chief, Multidisciplinary Centers and Programs Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 4C–05, Rockville, Maryland 20857, Telephone: (301) 443–6950.

This program is listed at 93.824 in the Catalog of Federal Domestic Assistance. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Dated: May 20, 1992.

John H. Kelso,

Acting Administrator.

[FR Doc. 92–16279 Filed 7–9–92; 8:45 am]

BILLING CODE 4160–15–M

Federal Assistance to the West Virginia Health Sciences Center for a Telecommunications Project

AGENCY: Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice of grant award.

SUMMARY: The Office of Rural Health Policy (ORHP), Health Resources and Services Administration, announces its intent to award a grant in fiscal year (FY) 1992 to the West Virginia Health Sciences Center in Morgantown, West Virginia. The demonstration project will examine the feasibility of developing a two-way video communications network between the West Virginia Health Sciences Center and rural hospitals and physicians throughout West Virginia to provide specialty consultation services to isolated rural practitioners. The award will be made from funds appropriated under Public Law 102–170 (HHS Appropriation Act for FY 1992). As a part of ORHP's overall appropriation, monies were specifically designated to support the West Virginia pilot project. The grant for the project is authorized under section 301 of the Public Health Service Act.

SINGLE SOURCE JUSTIFICATION: The HRSA plans to provide Federal financial assistance to the West Virginia Health

Sciences Center's (WVHSC) proposed Mountaineer Doctor Television (MDTV), a two-way interactive telecommunications system designed to address needs for consultation, clinical information, and health professional education in rural areas of West Virginia. The MDTV pilot program is an expansion of a highly successful telephone (audio only) consultations service operated and funded by WVHSC. The Medical Access and Referral System (MARS) receives more than 1,000 calls monthly from West Virginia physicians, about two-thirds of them practicing in rural areas. With MDTV, specialists at the WVHSC who are called upon for consultations will actually be able to see and interact with the patient; at the same time, the patient will see the physician.

The MDTV project will build upon the experience gained with the MARS system and the experience gained elsewhere with telecommunications technology applied to medical applications. It provides a unique opportunity for the Department to build on this experience and begin a rigorous evaluation of the cost-effectiveness of telemedicine for rural areas.

AVAILABILITY OF FUNDS: Approximately $800,000 is to be made available for obligation to support this project for a 12-month budget and project period, beginning in Federal fiscal year 1992.

OTHER AWARD INFORMATION: This program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented by 45 CFR Part 100). This is intended to be a one-time program, and therefore a Catalog of Federal Domestic Assistance number has not been requested.

FOR FURTHER INFORMATION: For information, contact: Dena S. Puskin, Sc.D., Office of Rural Health Policy, HRSA, 5600 Fishers Lane, room 9-05, Rockville, MD 20857, (301)-443-0835.

Dated: May 22, 1992.

Robert G. Harmon,

Administrator.

[FR Doc. 92-16280 Filed 7-9-92; 8:45 am]

BILLING CODE 4160-15-M

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of September 1992:

Name: HRSA AIDS Advisory Committee.

Time: September 16-18, 1992, 8:30 a.m.

Place: National Institutes of Health, Building 31, Conference Rm. 10, 9000 Rockville Pike, Bethesda, MD 20205.

The meeting is open to the public.

Purpose: The Committee advises the Secretary with respect to health professional education, patient care/health care delivery to HIV-infected individuals, and research relating to transmission, prevention and treatment of HIV infection.

Agenda: Discussions will be held concerning the status of Health Resources and Services Administration (HRSA) program activities, issues related to standards and models of care, rural health, and training of health care professionals.

Anyone requiring information regarding the subject Committee should contact Gilda Martoglio, Acting Executive Secretary, HRSA AIDS Advisory Committee, Health Resources and Services Administration, Room 14A-21, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-4588.

Agenda items are subject to change as priorities dictate.

Dated: July 7, 1992.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 92-16277 Filed 7-9-92; 8:45 am]

BILLING CODE 4160-15-M

Indian Health Service

Indian Child Protection and Child Abuse Prevention

AGENCY: Indian Health Service, HHS.

ACTION: Notice of Competitive Grant Applications for Indian Child Protection and Child Abuse Prevention Demonstration Projects for Mental Health/Social Services for American Indians/Alaska Natives.

SUMMARY: The Indian Health Service (IHS) announces that competitive grant applications are now being accepted for Tribal Demonstration Projects for Indian Child Protection and Child Abuse Prevention for Mental Health/Social Services for American Indians/Alaska Natives established under the authority of section 103(b)(1) of Public Law 100-472, Indian Self-Determination and Education Assistance Act Amendments of 1988. There will be one funding cycle during Fiscal Year (FY) 1992 (see Fund Availability and Period of Support). This program is within the catalog of Federal Domestic Assistance Number 93.228. Executive Order 12372 requiring intergovernmental review is not applicable to this program.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000 (Full Report; Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report; Stock No. 017-001-00473-1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (Telephone 202-783-3238).

DATES: An original and 2 copies of the completed grant application must be submitted, with all required documentation, to the Grants Management Branch, Division of Acquisition and Grants Operations, Twinbrook Metro Plaza, suite 605, 12300 Twinbrook Pkwy., Rockville, MD 20852, by c.o.b. August 14, 1992.

Applications shall be considered as meeting the deadline if they are either: (1) received on or before the deadline with hand carried applications received by c.o.b. 5:00 P.M.; or (2) postmarked on or before the deadline date and received in time to be reviewed along with all other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted as proof of timely mailing.

Applications received after the announced closing date will be returned to the applicant and will not be considered for funding.

ADDITIONAL DATES:

a. Application Receipt Date: August 14, 1992

b. Application Review Date: September 15, 1992

c. Applicants Notified of Results (approved, approved unfunded, or disapproved): September 28, 1992

d. Anticipated Start Date: September 30, 1992

FOR FURTHER INFORMATION CONTACT: For program information, contact Maria E. Stetter, Training/Administrative Officer, IHS, Mental Health/Social Services Branch 2401 12th St., NW., room 214N, Albuquerque, New Mexico 87102, (505) 766-2873. For grants information, contact M. Kay Carpenter, Grants Management Officer, Grants Management Branch, Division of Acquisition and Grants Operations, IHS, Twinbrook Metro Plaza, Suite 605, 12300 Twinbrook Pkwy., Rockville, MD 20852, (301) 443-5204. (These telephone numbers are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: This announcement provides information on the general program goal, eligibility requirements, programmatic activities, funding availability, and application procedures.

General Program Goal

The goal of this project is to establish programs for child protective services,

child abuse prevention (including family violence prevention) programs, and educational programs aimed at child abuse prevention, which are community based and culturally relevant to meet Healthy People 2000 objectives as they affect American Indians and Alaska Natives.

Eligibility Requirements

Any federally recognized Indian tribe or Indian tribal organization is eligible to apply for a demonstration grant from the IHS under this announcement.

Programmatic Activities

Programmatic Activities may include, but are not limited to: (1) Establishing child protective service programs; (2) establishing child abuse prevention (including family violence prevention) programs; (3) developing multidisciplinary child abuse investigation and prevention programs; (4) developing child protection codes and regulations; (5) establishing training programs and/or providing community education on child abuse; and (6) supporting other innovative and culturally relevant programs and projects.

Fund Availability and Period of Support

In FY 1992, funds are available to support at least one project up to $200,000 and, if additional funds are made available, up to three projects will be funded with anticipated funding of $200,000 per project. Projects will be funded annually for up to three years with funding levels for succeeding years based on the FY 1992 level, the availability of appropriations in future years, continuing need for the project(s), and satisfactory performance. The anticipated start date is September 30, 1992.

Application Process

An IHS Grant Application Kit, including form PHS 5161–1 (rev. 3/89), may be obtained from the Grants Management Branch, Division of Acquisition and Grants Operations, Twinbrook Metro Plaza, suite 605, 12300 Twinbrook Pkwy., Rockville, MD 20852, telephone (301) 443–5204.

A. Narrative

The narrative section of the application must include the following: (1) Justification for need for assistance; (2) approach (including use of appropriate native healing practices; (3) adequacy of management controls, and (4) key personnel. The work plan section should be project specific. These instructions for the preparation of the narrative are to be used in lieu of the instructions of pages 15–16 of form PHS 5161–1. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. The Narrative May Not Exceed Ten Single-Spaced Pages in Length, Excluding Attachments, Budget, and Letters of Support Tribal Resolutions.

1. Need for Assistance

(a) Describe and define the target population at the project location.

(b) Describe the existing resources and services available, including the maintenance of native healing systems, where appropriate, which are related to the specific program/service the applicant is proposing to provide.

(c) Describe in detail the needs of the target population and what efforts have been made in the past to meet these needs, if any.

(d) Summarize the applicable State, IHS, and/or national standards, regulations and laws, and describe the unmet needs of any applicant's current program in relation to applicable State, IHS and/or national standards, laws and regulations.

2. Approach

(a) Program Objectives

1. State concisely the objectives of the project and how this project will address significant unmet mental health needs among Indians.
2. Describe briefly what the project intends to accomplish and the significant number of Indians to benefit from the project.
3. Describe how accomplishment of the objectives will be measured (including if replicable).
4. Describe how the project has the potential to deliver services in an efficient and effective manner.

(b) Work Plan

1. Describe the tasks and resources needed to implement and complete this project.
2. Provide a task timeline (timelines) breakdown or chart.
3. Discuss data collection for the project, how it will be obtained, analyzed, and maintained by the project.
4. Describe how the project will be evaluated.
5. Identify who will conduct the evaluation of the projected deliverables/outcomes.
6. Multi-year projects must include a description of the activities to be performed in the second and third years.

3. Adequacy of Management Controls

(a) Describe where the project will be housed, i.e., facilities and equipment available.

(b) Describe the management controls of the grantee over the directions and acceptability of work to be performed.

(c) Applicant must demonstrate that the organization has adequate systems and expertise to manage Federal funds.

(d) Provide an organizational chart and indicate how the project will operate within the organization.

4. Key Personnel

(a) Provide a biographical sketch and position description for the program director and other key personnel as described on page 17 of form PHS 5161–1.

(b) List the qualifications and experience of consultants or contractors where their use is anticipated.

B. Budget

An itemized estimate of costs and justification of the proposed program by line item must be provided on form PHS 5161–1 (rev. date 3/89). A narrative justification must be submitted for costs. Indicate needs by listing individual items and quantities necessary. Multi-year projects shall include funding requirements for the second and third years. (Grant funding may not be used to supplant existing public and private resources.)

C. Documentation of Support

1. Tribal Resolution

A resolution of the Indian tribe supporting the project must accompany the application submission. Applications which propose services which will benefit more than one Indian tribe must include resolutions from all affected tribes to be served. Applications by tribal organizations will not require resolution(s) if the current tribal resolution(s) under which they operate would encompass the proposed grant activities. A statement of proof or a copy of the current operational resolution must accompany the application. If a resolution or a statement is not submitted, the application will be considered incomplete and will be returned without consideration.

2. Letters of Cooperation/Collaboration/Assistance

If other related human services programs are to be involved in the project, letters confirming the nature and extent of their cooperation/collaboration/assistance must be

submitted. Letters included in the application should be program specific.

D. Assurances

The application shall contain assurance to the Secretary that the applicant will comply with program regulations, 42 CFR 36, Subpart H.

E. Coordination With Northern Plains Healthy Start Project

If an applicant is from an area covered by the Northern Plains Healthy Start Project, they must indicate how they will coordinate with the Northern Plains Healthy Start Project.

Review Process

Applications that meet eligibility requirements, are complete, and conform to this program announcement will be reviewed by a centralized Objective Review Committee (ORC) conducted at the IHS Headquarters and in accordance with IHS objective review procedures.

The ORC will be comprised of not more than 40 percent IHS staff and at least 60 percent non-IHS staff (to include tribal) with appropriate expertise. The ORC will review each application against established criteria. Based upon the evaluation criteria, the reviewers will assign a numerical score to each application. In making the final funding decision, the IHS will also consider recommendations of the IHS Area Office within which the applicant organization is located.

Evaluation Criteria

Applications will be evaluated against the following criteria and weights:

Weights

25 1. Need—The demonstration of identified problems and risks in the target populations. Extent of community involvement and commitment.

40 2. Approach—The soundness and effectiveness of the applicant's plan for conducting the project, with special emphasis on the objectives and methodology portion of the application.

15 3. Adequacy of Management Controls—The apparent capability of the applicant to successfully conduct the project including both technical and business aspects. The soundness of the applicant's budget in relation to the project work plan and for assuring effective utilization of grant funds. Adequacy of facilities and equipment available within the organization or proposed for purchase under the project.

20 4. Key Personnel—Qualifications and adequacy of the staff.

100 Total Weight

Reporting Requirements

A. Progress Report

Program progress reports will be submitted quarterly with a final report due 90 days after the end of the annual project period.

B. Financial Status Report

Financial status reports will be submitted quarterly with a final financial status report due 90 days after the end of the annual project period. Standard Form 269 will be used for financial reporting.

Grant Administration Requirements

Grants are administered in accordance with the following documents:

A. 45 CFR part 92, HHS, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or 45 CFR Part 74, Administration of Grants to Non-profit Recipients.

B. PHS Grants Policy Statement, and

C. Appropriate Cost Principles: Office of Management and Budget (OMB) Circular A–87, State and Local Governments, or OMB Circular A–122, Nonprofit Organizations.

Date: May 18, 1992.

Everett R. Rhoades,

Assistant Surgeon General Director.

[FR Doc. 92–16278 Filed 7–9–92; 8:45 am]

BILLING CODE 4160–16–M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, June 26, 1992.

(Call-PHS Reports Clearance Officer on 202–245–2100 for copies of package)

1. Periodic Survey of Health Status, Minnesota Colon Cancer Control Study—0925–0275—Although screening for occult stool blood is recommended by the National Cancer Institute and other health agencies, there is no definitive evidence that such screening is reliable or decreases mortality from colorectal cancer. The requested information collection is necessary to provide this evidence. Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations; Number of Respondents: 34,550; Number of Responses Per Respondent: 1; Average Burden Per Response: 0.17 hours; Estimated Annual Burden: 5,680 hours.

2. Study of the Relationship of Medical School Characteristics to Graduates Choosing Primary Care—New—Information from this survey of medical schools and graduates will be used to determine which characteristics of allopathic and osteopathic medical schools are related to the choice of a primary care specialty and the decision to provide primary care to the underserved.

Title	Number of respondents	Number of responses per respondent	Average burden per response
Graduate Survey	1,600	1	0.25
Medical School Survey	125	1	.17
Osteopathic Medical Schools Survey	15	1	1.26

Note: Total annual burden—440 hours.

3. Quantitative Evaluation of Video-Based HIV Prevention Information with Runaway and Homeless Youths in the United States—New—This study is designed to provide guidance to decision makers and health education programs targeted to racial/ethnic minority runaway and homeless youths in shelters. Information obtained through this effort will benefit the National Aids Information and Education Program (NAIEP) in its effort to use videos in reaching larger audiences with HIV and AIDS prevention information. Respondents: Individuals or households; Number of Respondents: 4,000; Number of Responses Per Respondent: 1.85; Average Burden Per Response: .236; Estimated Annual Burden: 1,749.

4. Annual Morbidity Reporting Series—0920–0007—Annual summary reports of nationally notifiable diseases are submitted to CDC from all States and U.S. Terrorities. These data summaries provide number of cases of certain diseases by county, age, sex and month of occurrence. Respondents: State or local governments; Number of Respondents: 57; Number of Responses Per Respondent: 1; Average Burden Per Response: 6.45; Estimated Annual Burden: 368.

Desk Officer: Shannah Koss

Written comments and recommendations for the proposed

information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated above at the following address:

Human Resources and Housing Branch, New Executive Office Building, room 3002, Washington, DC 20503.

Dated: July 6, 1992.

Lorraine Fishback,

Acting Director, Office of Health Planning and Evaluation.

[FR Doc. 92-16235 Filed 7-9-92; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-92-1917; FR-2934-N-86]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact James N. Forsberg, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-4300; TDD number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register** the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: Robert Conte, Dept. of Army, Military Facilities, DAEN-ZCI-P; Rm. 1E671, Pentagon, Washington, DC 20310-2600; (703) 693-4583; GSA: Ronald Rice, Federal Property Resources Services, GSA, 18th and F Streets NW, Washington, DC 20405; (202) 501-0067; Dept. of Energy: Tom Knox, Realty Specialist, AD223.1, 1000 Independence Ave. SW., Washington, DC 20585; (202) 586-1191; (these are not toll-free numbers).

Dated: July 2, 1992.

Randall H. Erben,

Acting Assistant Secretary.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 07/10/92

Suitable/Available Properties

Buildings (by State)

Missouri

Bldg. T200
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473-5000
Landholding Agency: Army
Property Number: 219220525
Status: Underutilized
Comment: 2284 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible.

Bldg. T455
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473-5000
Landholding Agency: Army
Property Number: 219220526
Status: Underutilized
Comment: 6736 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 9/30/92.

Bldg. T532
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473-5000
Landholding Agency: Army
Property Number: 219220527
Status: Underutilized
Comment: 1296 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 7/31/92.

Bldg. T546
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473-5000

Landholding Agency: Army
Property Number: 219220528
Status: Underutilized
Comment: 2740 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible.

Bldg. T588
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220529
Status: Underutilized
Comment: 1980 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 10/1/92.

Bldg. T589
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220530
Status: Underutilized
Comment: 1980 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 9/30/92.

Bldg. T1332
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220531
Status: Underutilized
Comment: 2360 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 8/21/92.

Bldg. T1334
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220532
Status: Underutilized
Comment: 2360 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 8/21/92.

Bldg. T1365
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220533
Status: Underutilized
Comment: 2360 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 8/21/92.

Bldg. T1343
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220534
Status: Underutilized
Comment: 1144 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 8/21/92.

Bldg. T1366
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220535
Status: Underutilized
Comment: 1144 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible.

Bldg. T1374
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220536
Status: Underutilized
Comment: 1144 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible.

Bldg. T1363
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220537
Status: Underutilized
Comment: 1296 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 8/21/92.

Bldg. T1475
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220538
Status: Underutilized
Comment: 1144 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 7/31/92.

Bldg. T1476
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220539
Status: Underutilized
Comment: 1144 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible.

Bldg. T1656
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220540
Status: Underutilized
Comment: 4720 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible.

Bldg. T1677
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220541
Status: Underutilized
Comment: 3012 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible.

Bldg. T1684
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220542
Status: Underutilized
Comment: 3012 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 7/30/92.

Bldg. T1686
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220543
Status: Underutilized
Comment: 3012 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 7/30/92.

Bldg. T1692
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220544
Status: Underutilized
Comment: 3012 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 8/21/92.

Bldg. T1904
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220545
Status: Underutilized
Comment: 2360 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 9/30/92.

Bldg. T2301
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220546
Status: Underutilized
Comment: 614 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 7/31/92.

Bldg. T3065
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220547
Status: Underutilized

Comment: 2750 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 8/21/92.

Bldg. T3066
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220548
Status: Underutilized
Comment: 2750 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general storehouse, not handicapped accessible, scheduled to be vacated 8/21/92.

Bldg. T286
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220549
Status: Unutilized
Comment: 5310 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible.

Bldg. T290
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220550
Status: Unutilized
Comment: 5482 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible.

Bldg. T405
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220551
Status: Unutilized
Comment: 7670 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible, scheduled to be vacated 9/30/92.

Bldg. T406
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220552
Status: Unutilized
Comment: 7670 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible, scheduled to be vacated 9/30/92.

Bldg. T1340
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220553
Status: Underutilized
Comment: 4720 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible, scheduled to be vacated 8/21/92.

Bldg. T1351
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220554
Status: Underutilized
Comment: 4720 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible, scheduled to be vacated 9/1/92.

Bldg. T1460
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220555
Status: Underutilized
Comment: 4720 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible, scheduled to be vacated 7/31/92.

Bldg. T1481
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220556
Status: Underutilized
Comment: 4720 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible.

Bldg. T1482
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220557
Status: Underutilized
Comment: 4720 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible.

Bldg. T1488
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220558
Status: Underutilized
Comment: 4720 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible.

Bldg. T1489
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220559
Status: Underutilized
Comment: 4720 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible.

Bldg. T1900
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220560
Status: Underutilized
Comment: 7670 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible, scheduled to be vacated.

Bldg. T2108
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220561
Status: Underutilized
Comment: 7670 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible, scheduled to be vacated 8/21/92.

Bldg. T2359
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220562
Status: Underutilized
Comment: 4720 sq. ft., wood frame, 2 story, presence of absestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible, scheduled to be vacated 7/31/92.

Bldg. T3053
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220563
Status: Underutilized
Comment: 5310 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible, scheduled to be vacated 9/30/92.

Bldg. T3056
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220564
Status: Underutilized
Comment: 5310 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible, scheduled to be vacated 8/21/92.

Bldg. T3067
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220565
Status: Underutilized
Comment: 5310 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible, scheduled to be vacated 8/21/92.

Bldg. T3069
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220566
Status: Underutilized
Comment: 5310 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only,

most recent use—enlisted barracks, not handicapped accessible, scheduled to be vacated 8/21/92.

Bldg. T3070
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220567
Status: Underutilized
Comment: 5310 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—enlisted barracks, not handicapped accessible, scheduled to be vacated 8/21/92.

Bldg. T451
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220568
Status: Underutilized
Comment: 4640 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible, scheduled to be vacated 10/31/92.

Bldg. T515
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220569
Status: Underutilized
Comment: 2331 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible, scheduled to be vacated 10/31/92.

Bldg. T1653
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220570
Status: Underutilized
Comment: 2740 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible.

Bldg. T1687
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220571
Status: Underutilized
Comment: 2646 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible.

Bldg. T1902
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220572
Status: Underutilized
Comment: 2248 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible, scheduled to be vacated 10/31/92.

Bldg. T1905
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220573
Status: Underutilized
Comment: 3775 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible, scheduled to be vacated 8/14/92.

Bldg. T1913
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220574
Status: Underutilized
Comment: 7213 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible, scheduled to be vacated 9/30/92.

Bldg. T2120
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220575
Status: Underutilized
Comment: 1296 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible.

Bldg. T2126
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220576
Status: Underutilized
Comment: 1500 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible.

Bldg. T2166
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220577
Status: Underutilized
Comment: 1296 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible, scheduled to be vacated 9/30/92.

Bldg. T2361
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220578
Status: Underutilized
Comment: 4720 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible.

Bldg. T2363
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220579
Status: Underutilized
Comment: 4720 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible, scheduled to be vacated 7/31/92.

Bldg. T3057
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220580
Status: Underutilized
Comment: 2650 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. gen. purpose, not handicapped accessible.

Bldg. T1444
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220581
Status: Underutilized
Comment: 1828 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general purpose, not handicapped accessible.

Bldg. T1445
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220582
Status: Underutilized
Comment: 1828 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general purpose, not handicapped accessible.

Bldg. T1472
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220583
Status: Underutilized
Comment: 1828 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general purpose, not handicapped accessible, scheduled to be vacated 7/31/92.

Bldg. T1473
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220584
Status: Underutilized
Comment: 1828 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—general purpose, not handicapped accessible.

Bldg. T1832
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220585
Status: Underutilized
Comment: 5893 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. bldg., not handicapped accessible, scheduled to be vacated 1/30/93.

Bldg. T1842
Fort Leonard Wood

Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220586
Status: Underutilized
Comment: 2740 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—admin. bldg., not handicapped accessible, scheduled to be vacated 10/31/92.

Bldg. T583
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220587
Status: Underutilized
Comment: 2250 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—gen. instruction bldg., not handicapped accessible.

Bldg. T3072
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220588
Status: Underutilized
Comment: 2750 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—gen. instruction bldg., not handicapped accessible, scheduled to be vacated 7/21/92.

Bldg. T1441
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220590
Status: Underutilized
Comment: 1828 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—applied instruct bldg., not handicapped accessible, scheduled to be vacated 7/31/92.

Bldg. T1442
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220591
Status: Underutilized
Comment: 1828 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—applied instruct bldg., not handicapped accessible.

Bldg. T1485
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220592
Status: Underutilized
Comment: 1296 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—cmder. hdqtrs. bldg., not handicapped accessible, scheduled to be vacated 10/1/92.

Bldg. T1491
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220593
Status: Underutilized
Comment: 1296 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—cmder. hdqtrs. bldg., not handicapped accessible, scheduled to be vacated 10/1/92.

Bldg. 1691
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220594
Status: Unutilized
Comment: 2646 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—cmder. hdqtrs. bldg., not handicapped accessible.

Bldg. T2121
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220595
Status: Unutilized
Comment: 1296 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—cmder. hdqtrs. bldg., not handicapped accessible.

Bldg. T1443
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220596
Status: Underutilized
Comment: 1828 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—headquarters bldg., not handicapped accessible, scheduled to be vacated 9/30/92.

Bldg. T1651
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220597
Status: Underutilized
Comment: 1600 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—battalion hdqtrs., not handicapped accessible.

Bldg. T2154
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220598
Status: Underutilized
Comment: 1,296 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—battalion hdqtrs., not handicapped accessible, scheduled to be vacated 9/30/92.

Bldg. T2168
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220599
Status: Underutilized
Comment: 2,892 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—dining facility, not handicapped accessible, scheduled to be vacated 7/31/92.

Bldg. T2199
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220600
Status: Underutilized
Comment: 2,892 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—dining facility, not handicapped accessible, scheduled to be vacated 7/31/92.

Bldg. T463
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220601
Status: Underutilized
Comment: 5,310 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—religious ed. cntr., not handicapped accessible, scheduled to be vacated 10/31/92.

Bldg. T201
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220602
Status: Underutilized
Comment: 3,663 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—drama center, not handicapped accessible.

Bldg. T202
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220603
Status: Underutilized
Comment: 3,775 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—exchange branch, not handicapped accessible.

Bldg. T2058
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski MO, 65473–5000
Landholding Agency: Army
Property Number: 219220604
Status: Underutilized
Comment: 3,448 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—guest house, not handicapped accessible, scheduled to be vacated.

Bldg. T1751
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220605
Status: Underutilized
Comment: 7,670 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—guest house, not handicapped accessible, scheduled to be vacated.

Bldg. T1753
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army

Property Number: 219220606
Status: Underutilized
Comment: 7,670 sq. ft., wood frame, 2 story, presence of asbestos, off-site removal only, most recent use—guest house, not handicapped accessible, scheduled to be vacated.

Bldg. T2309
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220607
Status: Underutilized
Comment: 658 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—heating plant, not handicapped accessible, scheduled to be vacated 9/30/92.

Bldg. T1672
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220818
Status: Underutilized
Comment: 4,720 sq. ft., 2 story wood frame, presence of asbestos, most recent use—enlisted barracks, off-site removal only, scheduled to be vacated 10/30/92.

Bldg. T1673
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220819
Status: Underutilized
Comment: 4,720 sq. ft., 2 story wood frame, presence of asbestos, most recent use—enlisted barracks, off-site removal only, scheduled to be vacated 10/30/92.

Bldg. T1674
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220820
Status: Underutilized
Comment: 4,720 sq. ft., 2 story wood frame, presence of asbestos, most recent use—enlisted barracks, off-site removal only, scheduled to be vacated 10/30/92.

Bldg. T1675
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220821
Status: Underutilized
Comment: 4,720 sq. ft., 2 story wood frame, presence of asbestos, most recent use—enlisted barracks, off-site removal only, scheduled to be vacated 10/30/92.

Bldg. T1676
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220822
Status: Underutilized
Comment: 4,720 sq. ft., 2 story wood frame, presence of asbestos, most recent use—enlisted barracks, off-site removal only, scheduled to be vacated 10/30/92.

Bldg. T1678
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220823
Status: Underutilized
Comment: 4,720 sq. ft., 2 story wood frame, presence of asbestos, most recent use—enlisted barracks, off-site removal only, scheduled to be vacated 10/30/92.

Bldg. T1681
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220824
Status: Underutilized
Comment: 4,720 sq. ft., 2 story wood frame, presence of asbestos, most recent use—enlisted barracks, off-site removal only, scheduled to be vacated 10/30/92.

Bldg. T1682
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220825
Status: Underutilized
Comment: 4,720 sq. ft., 2 story wood frame, presence of asbestos, most recent use—enlisted barracks, off-site removal only, scheduled to be vacated 10/30/92.

Bldg. T1693
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220826
Status: Underutilized
Comment: 4,720 sq. ft., 2 story wood frame, presence of asbestos, most recent use—enlisted barracks, off-site removal only, scheduled to be vacated 10/30/92.

Bldg. T1694
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220827
Status: Underutilized
Comment: 4,720 sq. ft., 2 story wood frame, presence of asbestos, most recent use—enlisted barracks, off-site removal only, scheduled to be vacated 10/30/92.

Bldg. T1695
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220828
Status: Underutilized
Comment: 4,720 sq. ft., 2 story wood frame, presence of asbestos, most recent use—enlisted barracks, off-site removal only, scheduled to be vacated 10/30/92.

Bldg. T1696
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220829
Status: Underutilized
Comment: 4,720 sq. ft., 2 story wood frame, presence of asbestos, most recent use—enlisted barracks, off-site removal only, scheduled to be vacated 10/30/92.

Bldg. T1698
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220830
Status: Underutilized
Comment: 4,720 sq. ft., 2 story wood frame, presence of asbestos, most recent use—enlisted barracks, off-site removal only, scheduled to be vacated 10/30/92.

Bldg. T1474
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220831
Status: Underutilized
Comment: 1,828 sq. ft., 1 story wood frame, presence of asbestos, most recent use—applied instruction bldg., off-site removal only, scheduled to be vacated 10/30/92.

Bldg. T2107
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220832
Status: Underutilized
Comment: 7,670 sq. ft., 2 story wood frame, presence of asbestos, most recent use—guest house, off-site removal only, scheduled to be vacated 10/30/92.

New Mexico

Bldg. 814, Kirtland AFB
Adjacent to Sandia Natl. Labs
Albuquerque, Co: Bernailillo, NM 87185–
Landholding Agency: Energy
Property Number: 419220002
Status: Unutilized
Comment: 6,900 sq. ft., one story wood frame, needs rehab, presence of asbestos, off-site use only, most recent use—office, secured area w/alternate access.

Bldg. 815, Kirtland AFB
Adjacent to Sandia Natl. Labs
Albuquerque, Co: Bernailillo, NM 87185–
Landholding Agency: Energy
Property Number: 419220003
Status: Unutilized
Comment: 3,440 sq. ft., one story wood frame, needs rehab, presence of asbestos, off-site use only, most recent use—auditorium, secured area w/alternate access.

Texas

Bldg. 458, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220621
Status: Unutilized
Comment: 2,584 sq. ft., 1 story brick structure (exterior brick must be removed), most recent use—youth center, off-site use only.

Bldg. 358, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220622
Status: Unutilized
Comment: 4,000 sq. ft., 2 story barracks, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 359, Fort Bliss
El Paso, Co: El Paso, TX 79916–

Landholding Agency: Army
Property Number: 219220623
Status: Unutilized
Comment: 4,000 sq. ft., 2 story wood structure, presence of asbestos, most recent use—barracks, off-site use only.

Bldg. 466, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220624
Status: Unutilized
Comment: 3,540 sq. ft., 2 story wood structure, presence of asbestos, most recent use—barracks, off-site use only.

Bldg. 467, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220625
Status: Unutilized
Comment: 3,540 sq. ft., 2 story wood structure, presence of asbestos, most recent use—barracks, off-site use only.

Bldg. 474, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220626
Status: Unutilized
Comment: 3,540 sq. ft., 2 story wood frame, presence of asbestos, most recent use—troop housing, off-site use only.

Bldg. 475, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220627
Status: Unutilized
Comment: 3,540 sq. ft., 2 story wood frame, presence of asbestos, most recent use—troop housing, off-site use only.

Bldg. 476, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220628
Status: Unutilized
Comment: 3,540 sq. ft., 2 story wood frame, presence of asbestos, most recent use—troop housing, off-site use only.

Bldg. 477, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220629
Status: Unutilized
Comment: 3,540 sq. ft., 1 story barracks, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 660, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220630
Status: Unutilized
Comment: 1,687 sq. ft., 1 story wood frame structure, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 704, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220631
Status: Unutilized
Comment: 4,500 sq. ft., 1 story wood frame structure, presence of asbestos, most recent use—classroom, off-site use only.

Bldg. 901, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220632
Status: Unutilized
Comment: 2,747 sq. ft., 2 story wood frame structure, most recent use—admin., off-site use only.

Bldg. 1160 Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220633
Status: Unutilized
Comment: 3,540 sq. ft., 2 story wood frame structure, most recent use—admin., off-site use only.

Bldg. 1162, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220634
Status: Unutilized
Comment: 937 sq. ft., 1 story wood frame structure, most recent use—admin., off-site use only.

Bldg. 1163, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220635
Status: Unutilized
Comment: 5,577 sq. ft., 1 story wood frame structure, most recent use—admin., off-site use only.

Bldg. 2500, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220636
Status: Unutilized
Comment: 168 sq. ft., 1 story wood frame structure, most recent use—oil storage, off-site use only.

Bldg. 2502, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220637
Status: Unutilized
Comment: 1,200 sq. ft., 1 story wood frame structure, most recent use—admin., off-site use only.

Bldg. 2546, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220638
Status: Unutilized
Comment: 54 sq. ft., 1 story wood frame structure, most recent use—heat plant, off-site use only.

Bldg. 4305, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220639
Status: Unutilized
Comment: 1,713 sq. ft., 1 story wood frame structure, most recent use—admin., off-site use only.

Bldg. 4639, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220640
Status: Unutilized
Comment: 875 sq. ft., 1 story wood frame structure, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 4649, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220641
Status: Unutilized
Comment: 873 sq. ft., 1 story wood frame structure, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 4739, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220642
Status: Unutilized
Comment: 874 sq. ft., 1 story wood frame structure, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 4761, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220643
Status: Unutilized
Comment: 915 sq. ft., 1 story wood frame structure, most recent use—admin., off-site use only.

Bldg. 11050, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220644
Status: Unutilized
Comment: 2,304 sq. ft., 1 story wood frame structure, most recent use—admin., off-site use only.

Bldg. 4552, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220645
Status: Unutilized
Comment: 2,169 sq. ft., 1 story wood frame structure, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 4567, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220646
Status: Unutilized
Comment: 2,169 sq. ft., 1 story wood frame structure, presence of asbestos, most recent use—storage, off-site use only.

Bldg. 4582, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220647
Status: Unutilized
Comment: 1,713 sq. ft., 1 story wood frame structure, presence of asbestos, most recent use - storage, off-site use only.

Bldg. 4650, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220648
Status: Unutilized
Comment: 853 sq. ft., 1 story wood frame structure, presence of asbestos, most recent use - storage, off-site use only.

Bldg. 4721, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220649
Status: Unutilized
Comment: 1,381 sq. ft., 1 story wood frame structure, most recent use - storage, off-site use only.

Bldg. 4752, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220650
Status: Unutilized

Comment: 2,169 sq. ft., 1 story wood frame structure, presence of asbestos, most recent use - storage, off-site use only.

Bldg. 4822, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220651
Status: Unutilized
Comment: 1,770 sq. ft., 1 story wood frame structure, most recent use - storage, off-site use only.

Bldg. 4829, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220652
Status: Unutilized
Comment: 915 sq. ft., 1 story wood frame structure, most recent use - storage, off-site use only.

Bldg. 11610, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220653
Status: Unutilized
Comment: 322 sq. ft., 1 story wood frame structure, most recent use - storage, off-site use only.

Bldg. 11625, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220654
Status: Unutilized
Comment: 322 sq. ft., 1 story wood frame structure, most recent use - storage, off-site use only.

Bldg. 4617, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220655
Status: Unutilized
Comment: 978 sq. ft., 1 story wood frame structure, most recent use - general instruction, off-site use only.

Bldg. 4670, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220656
Status: Unutilized
Comment: 2,214 sq. ft., 1 story wood frame structure, presence of asbestos, most recent use - instruction bldg., off-site use only.

Bldg. 4621, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220657
Status: Unutilized
Comment: 1,382 sq. ft., 1 story wood frame structure, most recent use - day room, off-site use only.

Bldg. 4623, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220658
Status: Unutilized
Comment: 875 sq. ft., 1 story wood frame structure, most recent use - day room, off-site use only.

Bldg. 4638, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220659
Status: Unutilized
Comment: 875 sq. ft., 1 story wood frame structure, most recent use - day room, off-site use only.

Bldg. 4638, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220659
Status: Unutilized
Comment: 875 sq. ft., 1 story wood frame structure, most recent use - day room, off-site use only.

Bldg. 4640, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220660
Status: Unutilized
Comment: 1,770 sq. ft., 1 story wood frame structure, presence of asbestos, most recent use - day room, off-site use only.

Bldg. 4645, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220661
Status: Unutilized
Comment: 873 sq. ft., 1 story wood frame structure, presence of asbestos, most recent use - recreation, off-site use only.

Bldg. 4646, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220662
Status: Unutilized
Comment: 873 sq. ft., 1 story wood structure, most recent use—recreation, off-site use only.

Bldg. 4647, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Propoerty Number: 219220663
Status: Unutilized
Comment: 659 sq. ft., 1 story wood structure, presence of asbestos, most recent use—recreation, off-site use only.

Bldg. 4696, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220664
Status: Unutilized
Comment: 1,658 sq. ft., 1 story wood structure, presence of asbestos, most recent use—recreation, off-site use only.

Bldg. 4720, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220665
Status: Unutilized
Comment: 874 sq. ft., 1 story wood structure, presence of asbestos, most recent use—recreation, off-site use only.

Bldg. 4738, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220666
Status: Unutilized
Comment: 874 sq. ft., 1 story wood structure, most recent use—recreation, off-site use only.

Bldg. 4760, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220667
Status: Unutilized
Comment: 915 sq. ft., 1 story wood structure, presence of asbestos, most recent use—recreation, off-site use only.

Bldg. 4818, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220668
Status: Unutilized
Comment: 873 sq. ft., 1 story wood structure, presence of asbestos, most recent use—recreation, off-site use only.

Bldg. 4821, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220669
Status: Unutilized
Comment: 1,381 sq. ft., 1 story wood structure, presence of asbestos, most recent use—recreation, off-site use only.

Bldg. 4828, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220670
Status: Unutilized
Comment: 915 sq. ft., 1 story wood structure, presence of asbestos, most recent use—recreation, off-site use only.

Bldg. 4831, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220671
Status: Unutilized
Comment: 915 sq. ft., 1 story wood structure, most recent use—recreation, off-site use only.

Bldg. 4655, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220672
Status: Unutilized
Comment: 1,770 sq. ft., 1 story wood structure, most recent use—classroom, off-site use only.

Bldg. 4740, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220673
Status: Unutilized
Comment: 1,770 sq. ft., 1 story wood structure, most recent use—classroom, off-site use only.

Bldg. 4755, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220674
Status: Unutilized
Comment: 1,770 sq. ft., 1 story wood structure, most recent use—classroom, off-site use only.

Bldg. 4770, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220675
Status: Unutilized
Comment: 2,169 sq. ft., 1 story wood structure, most recent use—classroom, off-site use only.

Bldg. 4837, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army
Property Number: 219220676
Status: Unutilized
Comment: 1,770 sq. ft., 1 story wood structure, presence of asbestos, most recent use—classroom, off-site use only.

Bldg. 4,840, Fort Bliss
El Paso, Co: El Paso, TX 79916-
Landholding Agency: Army

Property Number: 219220677
Status: Unutilized
Comment: 1,770 sq. ft., 1 story wood structure, presence of asbestos, most recent use—classroom, off-site use only.

Bldg. 5345, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220678
Status: Unutilized
Comment: 874 sq. ft., 1 story wood structure, most recent use—classroom, off-site use only.

Bldg. 4679, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220679
Status: Unutilized
Comment: 2,747 sq. ft., 1 story wood structure, presence of asbestos, most recent use—sales store, off-site use only.

Bldg. 4779, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220680
Status: Unutilized
Comment: 2,747 sq. ft., 1 story wood structure, presence of asbestos, most recent use—sales store, off-site use only.

Bldg. 11042, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220681
Status: Unutilized
Comment: 6,851 sq. ft., 1 story wood structure, most recent use—vehicle maintenance shop, off-site use only.

Bldg. 11187, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220682
Status: Unutilized
Comment: 1,500 sq. ft., 1 story wood structure, most recent use—craft shop, off-site use only.

Bldg. 11263, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220683
Status: Unutilized
Comment: 8,773 sq. ft., 1 story wood structure, presence of asbestos, most recent use—retail store, off-site use only.

Bldg. 11550, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220684
Status: Unutilized
Comment: 400 sq. ft., 1 story cylinder block, most recent use—ammunition storage, off-site use only.

Bldg. 11626, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220685
Status: Unutilized
Comment: 112 sq. ft., 1 story concrete structure, most recent use—generator bldg., off-site use only.

Bldg. 11637, Fort Bliss
El Paso, Co: El Paso, TX 79916–
Landholding Agency: Army
Property Number: 219220686
Status: Unutilized
Comment: 228 sq. ft., 1 story navigations aids bldg. off-site use only.

Suitable/Unavailable Properties

Buildings (by State)

Missouri

Bldg. T1461
Fort Leonard Wood
Ft. Leonard Wood, Co: Pulaski, MO 65473–5000
Landholding Agency: Army
Property Number: 219220589
Status: Underutilized
Comment: 2,360 sq. ft., wood frame, 1 story, presence of asbestos, off-site removal only, most recent use—gen. instruction bldg not handicapped accessible, scheduled to be vacated 7/31/92.

Unsuitable Properties

Buildings (by State)

Missouri

Bldg. 67, Storage Bunker
2000 East 95th Street
Kansas City, Co: Jackson, MO 64131–
Landholding Agency: Energy
Property Number: 419220004
Status: Unutilized
Reason: Floodway.

LAND (by State)

California

Portion, Travis AFB
6 miles southeast of Vacaville
Travis AFB, Co: Solano, CA 94535–
Landholding Agency: GSA
Property Number: 549220012
Status: Surplus
Reason: Floodway
GSA Number: 9–D–CA–499L.

[FR Doc. 92–15974 Filed 7–9–92; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–4214–10; N–50568]

DEPARTMENT OF AGRICULTURE

Forest Service

Legal Description of Lands Transferred Pursuant to the National Forest and Public Lands of Nevada Enhancement Act of 1988; Correction Notice

June 25, 1992.

AGENCIES: Bureau of Land Management, Interior. U.S. Forest Service, Agriculture.

ACTION: Correction Notice.

SUMMARY: This notice makes a correction to Document No. 89–27518 published on November 24, 1989, in Volume 54, Federal Register, Pages 48659–48664.

EFFECTIVE DATE: April 26, 1989.

FOR FURTHER INFORMATION CONTACT: Regarding land transferred to the U.S. Forest Service, contact Bob Larkin, Officer, Land Management and Planning, U.S. Forest Service, Toiyabe National Forest, 1200 Franklin Way, Sparks, Nevada 89431. Regarding land transferred to the Bureau of Land Management, contact Bob Stewart, Chief, Public Affairs Staff, Bureau of Land Management, Nevada State Office, P.O. Box 12000, 850 Harvard Way, Reno, Nevada 89520.

SUPPLEMENTARY INFORMATION: The following correction is made to Document No. 89–27518 published on November 24, 1989:

Page 48660, second column, line 44, delete ";" and add "SE¼SE¼;".

Billy R. Templeton,

State Director, Nevada, Bureau of Land Management.

R. M. (Jim) Nelson,

Supervisor, Toiyabe National Forest, U.S. Forest Service.

[FR Doc. 92–16167 Filed 7–9–92; 8:45 am]
BILLING CODE 4310–HC–M

Bureau of Land Management

[UT–020–4212–13; U–65659]

Salt Lake District; Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action; Exchange of public lands in Tooele, Box Elder, Utah, and Washington Counties, Utah.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, (43 U.S.C. 1716):

T. 1S., R. 11W., SLM,
Sec. 19, lot 4, S½SE¼, SE¼SW¼;
Sec. 20, W½SW¼.
T. 1S., R. 12W., SLM,
Sec. 24, S½SE¼;
Sec. 25, All.
The area described contains 953.95 acres.

In exchange for these lands, the United States will acquire the following described lands from USPCI, Inc.:

T. 4N., R. 19W., SLM,
Sec. 23, W½W½, N½SE¼SW¼, SW¼SE¼SW¼, S½SE¼SE¼SW¼.
T. 6S., R. 5W., SLM,
Sec. 27, SE¼SW¼ west of the Los Angeles Salt Lake Railroad ROW and excepting State Highway 36:
Sec. 34, NW¼, NW¼NE¼ excepting therefrom, that portion lying within the bounds of State Highway 36 and the

railroad ROW; S½SW¼ excepting State Highway 36.
T. 7S., R. 5W., SLM,
Sec. 3, lots 3,4, S½NW¼, N½SW¼, SW¼SW¼;
Sec. 4, E½SE¼;
Sec. 9, E½NE¼, NE¼SE¼ excepting therefrom, that portion lying within the bounds of State Highway 36 and the San Pedro, Los Angeles and Salt Lake Railroad right-of-way;
Sec. 22, W½NW¼.
T. 6S., R. 6W., SLM,
Sec. 28, lots 5,6, NE¼SW¼, NW¼SE¼.
T. 10S., R. 6E., SLM,
Sec. 23, SE¼SE¼;
Sec. 26, E½NW¼, SW¼NW¼, W½NE¼, NE¼NE¼, SW¼;
Sec. 27, S½NE¼, NE¼NE¼;
Sec. 34, N½SE¼, SE¼SE¼;
Sec. 35, N½, N½S½, S½SW¼, SW¼SE¼.
T. 40S., R. 17W., SLM,
Sec. 4, SW¼NW¼, NW¼SW¼;
Sec. 5, lot 1, SE¼NE¼.

The area described contains a total of 2611.577 acres.

The purpose of this exchange is to acquire lands which have high values for wildlife, livestock grazing, and recreational use. The exchange would also create a more logical and efficient land management pattern. The public interest will be served by completing the exchange.

The value of the lands to be exchanged are approximately equal; full equalization of values will be achieved by payment to the United States by USPCI of funds in an amount not to exceed 25 percent of the total value of the lands to be transferred out of Federal ownership.

The exchange will be made for both surface and subsurface estates, where possible. The mineral estate of some of the offered lands is held by other owners and will not be a part of this exchange. The selected lands will have a reservation of a right-of-way for ditches and canals constructed by the authority of the United States under the provisions of the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945) and will be subject to all existing rights-of-way.

Publication of this notice in the **Federal Register** will segregate the public lands described above for a period of two years from the date of first publication to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant.

Further information concerning the exchange, including the EA is available for review at the Salt Lake District Office.

For a period of 45 days from the date of first publication, interested parties may submit comments to the Salt Lake District, 2370 South 2300 West, Salt Lake City, Utah 84119.

Deane H. Zeller,

Salt Lake District Manager.

[FR Doc. 92–16186 Filed 7–9–92; 8:45 am]

BILLING CODE 4310–DQ–M

[ID–060–02–4333–11]

Lower Salmon River; Campfire and Sanitation Requirements

AGENCY: Bureau of Land Management, Idaho.

ACTION: Notice of campfire and sanitation requirements on the Lower Salmon River.

SUMMARY: Pursuant to 43 CFR 8365.1–6, the following acts are prohibited yearlong within the Lower Salmon River Recreation Area from Hammer Creek (River Mile 53) to the Confluence of the Salmon and Snake Rivers (River Mile 0):

(a) Building, maintaining, or using a fire or campfire. The following persons are exempt from this order:

(1) A person with a valid site-specific burning permit issued by the Idaho Department of Lands.

(2) A person using any of the following types of equipment to contain their fire:

(i) *Firepan, Including Portable Barbecue with Grill.* A device made of fire-resistant material or metal, with raised edges of a height sufficient to contain all ash and residue from a wood or charcoal fire. All ash and wood or charcoal residue must be packed out, including partially consumed briquets.

(ii) *Gas Stoves.* Pressurized liquid or gas stoves including space-hearing devices.

(iii) *Enclosed Wood Stove.* A wood or charcoal fire built inside a fully enclosed stove. The stove must be enclosed on six (6) sides with ¼ inch or smaller screening covering the chimney opening. Example: sheep herder stove with screening or spark arrestor covering chimney top. All ash and wood residue must be packed out.

(b) Boating, either float boating or power boating, on trips lasting more than one day, without a portable sanitary device for carrying out all solid human waste (fecal matter).

These restrictions meet requirements of the Recreation Area Management Plan for the Lower Salmon River Recreation Area including the revision of the Plan in 1991.

Violation of these prohibitions is punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

SUPPLEMENTARY INFORMATION: These restrictions meet the requirements of the Recreation Area Management Plan for the Lower Salmon River Recreation Area including the revision of the Plan in 1991.

Implementing the fire pan regulation will enhance the effort to keep beaches and camp sites clean by requiring boaters and land-based recreationists to pack out all residue from their fires including ash and burned refuse. It will also aid in educating the public on no-trace camping techniques, especially on keeping the sand beach resources as clean as possible.

Implementing the portable toilet regulation will protect public health and safety by removing human fecal material from the area. It will enhance the effort to keep beaches and campsites clean by requiring removal of said waste. It will also aid in educating and informing the public on no-trace camping techniques. Protection of the natural qualities of the river corridor was highly favored by recreationists during several river visitor user studies. The recommendation of the Lower Salmon River Ad Hoc Advisory Group supported requiring firepan and ash removal year-round as well as requiring human waste carry-out.

DATES: This notice is effective as of July 10, 1992.

ADDRESSES: Comments may be mailed to Bureau of Land Management, 1808 North Third Street, Coeur d'Alene, ID 83814.

FOR FURTHER INFORMATION CONTACT: LuVerne Grussing at (208) 962–3683.

Dated: July 1, 1992.

Delmar D. Vail,

State Director.

[FR Doc. 92–16199 Filed 7–9–92; 8:45 am]

BILLING CODE 4310–66–M

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

[Public Notice 1651]

Invitation To Comment on the First Progress Report of the Air Quality Committee Under the Canada-U.S. Air Quality Agreement

The Governments of the United States and Canada signed an Agreement on Air Quality on March 13, 1991. The purpose of the Agreement was to

establish a practical and effective instrument to address shared concerns regarding transboundary air pollution.

Under the terms of the Agreement, the Governments have established a bilateral Air Quality Committee. This Committee is responsible for reviewing progress made in the implementation of the Agreement, preparing and submitting periodic progress reports to the Governments, referring each progress report to the International Joint Commission, and releasing those reports to the public. The first progress report of the Committee is now available and may be obtained from:

Acid Raid Division, U.S. Environmental Protection Agency, Mail Code: 6204J, 401 M Street, SW., Washington, DC 20460. Acid Raid Hotline: (617) 641–5377

Environment Canada, Enquiry Centre, 351 St. Joseph Blvd., Hull, Quebec, K1A OH3, (819) 997–2800

Under this Agreement, the Governments have assigned the International Joint Commission the responsibility of inviting comments on each progress report of the Air Quality Committee.

A synthesis of comments received by the International Joint Commission will be provided to the Governments and made available to the public. The Commission must also provide a record of the comments if requested by either Government.

The International Joint Commission invites comments on any aspect of the first report of the Air Quality Committee. Please send comments in writing by October 31, 1992, to either address below or contact us by telephone if you have any questions about the comment process.

The Secretary, United States Section, International Joint Commission, 1250 23rd Street, NW., suite 100, Washington, DC 20440, Telephone: (202) 736–9000

The Secretary, Canadian Section, International Joint Commission, 100 Metcalfe Street, 18th Floor, Ottawa, ON K1P 5M1, Telephone: (202) 995–2984

Dated: July 1, 1992.

James G. Chandler,

Acting Secretary, United States Section.

[FR Doc. 92–16024 Filed 7–9–92; 8:45 am]

BILLING CODE 4710–14–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–313 (Final)]

Portable Seismographs From Canada

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation.

SUMMARY: On June 15, 1992, the Commission received a letter from the U.S. Department of Commerce stating that, having received a letter from petitioner in the subject investigation (GeoSonics Inc., Warrendale, PA) withdrawing its petition, Commerce was terminating its countervailing duty investigation on portable seismographs from Canada. Accordingly, pursuant to § 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)), the subject investigation is terminated.

EFFECTIVE DATE: July 6, 1992.

FOR FURTHER INFORMATION CONTACT: Larry Reavis (202–205–3185), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Authority: This investigation is being terminated under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to section 207.40 of the Commission's rules (19 CFR 207.40).

Issued: July 6, 1992.

By order of the Commission.

Paul R. Bardos,

Acting Secretary.

[FR Doc. 92–16230 Filed 7–9–92; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

A. 1. *Parent Corporation:* Anheuser-Busch Companies, Inc., One Busch Place, St. Louis, Missouri 63118.

2. *Wholly-Owned Subsidiaries*	*State of Incorporation*
(1) Anheuser-Busch Inc	Missouri.
(2) August A. Busch & Co. of Massachusetts, Inc.	Massachusetts.
(3) Busch Properties, Inc	elaware.
(4) Consolidated Farms, Inc	Delaware.
(5) Metal Container Corp	Delaware.
(6) Kingsmill Realty, Inc	Virginia.
(7) Busch International Sales Corp.	Delaware.
(8) St. Louis Refrigerator Car Co.	Delaware.
(9) Manufacturers Railway Co.	Missouri.
(10) Manufacturers Cartage Co.	Missouri.
(11) MRS Redevelopment Corp.	Missouri.
(12) Metal Container Service Corp.	Delaware.
(13) St. Louis National Baseball Club, Inc.	Missouri.
(14) St. Louis National Baseball Club (Georgia), Inc.	Georgia.
(15) MRS Transport Co	Texas.
(16) Williamsburg Transport, Inc.	Virginia.
(17) Fairfield Transport, Inc	California.
(18) Busch Entertainment Corp.	Delaware.
(19) Anheuser-Busch Recycling Corp.	Ohio.
(20) Metal Label Corp	Tennessee.
(21) Busch Creative Services Corp.	Delaware.
(22) Golden Eagle Distributing Co.	Delaware.
(23) Busch Agricultural Resources, Inc.	Delaware.
(24) Anheuser-Busch International, Inc.	Delaware.
(25) Anheuser-Busch Europe, Inc.	Delaware.
(26) Civic Center Corp	Missouri.
(27) Stadium Plaza Redevelopment Corp.	Missouri.
(28) Broadway Redevelopment Corp.	Missouri.
(29) Suffolk-Busch Development Corp.	Massachusetts.
(30) Eagle Snacks, Inc	Delaware.
(31) Anheuser-Busch Beverage Group, Inc.	Delaware.
(32) Nutri-Turf, Inc	Delaware.
(33) Anheuser-Busch Asia, Inc.	Delaware.
(34) Campbell Taggart, Inc	Delaware.
(35) A-B Sports, Inc	Delaware.
(36) Anheuser-Busch Metal Corp.	Delaware.
(37) Anheuser-Busch Investment Capital Corp.	Delaware.
(38) BACI, Inc	Delaware.
(39) BACI Holdings, Inc	Delaware.
(40) InnoVen IV Corp	Delaware.
(41) Innervisions Productions, Inc.	Missouri.
(42) Busch Mechanical Services Inc.	Delaware.
(43) Busch Media Group, Inc	Delaware.
(44) Metal Container Corp of California.	California.
(45) Busch Biotech, Inc	Delaware.

2. *Wholly-Owned Subsidiaries*	*State of Incorporation*
(46) Pacific Interntional Rice Mills, Inc.	Delaware.
(47) Optimus, Inc	Delaware.
(48) Busch Import/Export Company, Inc.	Delaware.
(49) BACI of Tennessee, Inc	Tennessee.
(50) Anheuser-Busch World Trade Ltd.	Delaware.
(51) Litchfield Development Corp.	Delaware.
(52) Horizon Beverage Co	California.
(53) Garrard Holding Co	Delaware.
(54) Garrard Leasing Co	Kentucky.
(55) Busch Investment Corp	Delaware.
(56) Anheuser-Busch Entertainment Limited.	Delaware.
(57) Anheuser-Busch Distributors of New York, Inc.	Delaware.
(58) Bend Music, Inc	Delaware.
(59) Tune Out Music, Inc	Delaware.
(60) Busch Foreign Sales Corp.	Barbados.
(61) Anheuser-Busch Florida Investment Capital Corp.	Delaware.
(62) Anheuser-Busch Wisconsin Investment Capital Corp.	Wisconsin.
(63) Anheuser-Busch Wholesaler Developement Corp.	Delaware.
(64) Anheuser-Busch Wholesaler Development Corp III.	Delaware.
(65) Anheuser-Busch Australia Limited.	Delaware.
(66) Anheuser-Busch European Trade Limited.	England.
(67) Sea World, Inc	Delaware.
(68) Sea World of Florida Inc.	Florida.
(69) F & C of Orlando, Inc	Florida.
(70) HSH of Orlando, Inc	Florida.
(71) Sea World of Texas, Inc.	Delaware.
(72) Texas Trident, Inc	Texas.
(73) Primrose Inc	Texas.
(74) Coleridge Corp	Delaware.
(75) Boardwalk and Baseball, Inc.	Delaware.
(76) A-B Contract Services Co.	Delaware.
(77) Rainbo Baking Company of Albuquerque.	Delaware.
(78) Colonial Baking Company of Atlanta.	Delaware.
(79) Colonial Baking of Augusta.	Delaware.
(80) Rainbo Bread Co. of Aurora.	Delaware.
(81) Colonial Baking Co. of Cedar Rapids.	Delaware.
(82) Colonial Baking Co. of Chattanooga.	Delaware.
(83) Colonial Baking Co. of Columbus.	Delaware.
(84) Rainbo Baking Co. of Corpus Christi.	Delaware.
(85) Manor Baking Co. of Dallas.	Delaware.
(86) Rainbo Bread Co	Delaware.
(87) Colonial Baking Co. of Des Moines.	Delaware.
(88) Rainbo Baking Co. of El Paso.	Delaware.
(89) Evansville Colonial Baking Co.	Delaware.
(90) Rainbo Bakeries of San Joaquin Valley, Inc.	Delaware.
(91) Colonial Baking Co. of Gulfport.	Delaware.
(92) Rainbo Baking Co. of Harlingen.	Delaware.
(93) Rainbo Baking Co. of Houston.	Delaware.
(94) Colonial Baking Co. of Huntsville.	Delaware.
(95) Betts Baking Co	Delaware.
(96) Colonial Baking Co. of Indianapolis Inc.	Delaware.
(97) Rainbo Baking Co. of Johnson City.	Delaware.
(98) Florida Cypress Gardens, Inc.	Florida.
(99) Busch Properties of Florida, Inc.	Florida.
(100) Heron Enterprises, Inc	Florida.
(101) ILH Co	Florida.
(102) Busch Agricultural Resources International, Inc.	Delaware.
(103) Manor Baking Co	Delaware.
(104) Rainbo Baking Co. of Lexington.	Delaware.
(105) Rainbo Baking Co. of Louisville.	Delaware.
(106) Rainbo Baking Co. of Lubbock.	Delaware.
(107) Colonial Baking Co. of Memphis.	Delaware.
(108) Colonial Baking Co. of Alabama.	Delaware.
(109) Colonial Baking Co. of Muncie, Inc.	Delaware.
(110) Colonial Baking Co. of Nashville.	Delaware.
(111) Rainbo Baking Co. of Oklahoma City.	Delaware.
(112) Rainbo Baking Co. of Phoenix.	Delaware.
(113) Rainbo Bakers, Inc	Delaware.
(114) Rainbo Bread Co. of Roanoke.	Delaware.
(115) Rockford Colonial Baking Co.	Delaware.
(116) Rainbo Baking Co. of Sacramento Valley.	Delaware.
(117) Rainbo Bread Co. of St. Joseph.	Delaware.
(118) Colonial Baking Co. of St. Louis.	Delaware.
(119) Rainbo Baking Co. of San Antonio.	Delaware.
(120) Colonial Baking Co. of Springfield.	Delaware.
(121) Kilpatricks Bakeries, Inc.	Delaware.
(122) Rainbo Baking Co. of Tucson.	Delaware.
(123) Rainbo Baking Co. of Tulsa.	Delaware.
(124) Rainbo Baking Co. of Wichita.	Delaware.
(125) Eagle Crest Foods, Inc	Delaware.
(126) Merico, Inc	Texas.
(127) Arizona Baking Co. of the Southwest.	Delaware.
(128) Bel-Art Advertising, Inc.	Texas.
(129) C-Trans, Inc	Texas.
(130) Colonial Baking Co. of Madison County.	Delaware.
(131) EG Bread, Inc	Delaware.
(132) Hardin's Bakeries, Corp.	Misissippi.
(133) Rainbo Baking Co. of Waco.	Delaware.
(134) Roswell Baking Co	Delaware.
(135) A & Eagle Food Products, Inc.	Delaware.
(136) Colonial Baking Co. of El Dorado.	Delaware.
(137) Ramtag, Inc	Texas.
(138) PRX Folding Carton, Inc.	Delaware.
(139) Dough Acquisiton, Inc	Delaware.

B 1. *Parent Corporation and Address of Principal Office*

National Cooperative Refinery Association, 2000 South Main Street, P.O. Box 1404, McPherson., Kansas 67460.

2. *Wholly Owned Subsidiaries Which Will Participate in the Operations, and State(s) of Incorporation*

Clear Creek, Inc., Incorporated in the State of Kansas

Sidney L. Strickland, Jr.

Secretary.

[FR Doc. 92-16241 Filed 7-9-92; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 32092]

Exemption; Consolidated Rail Corporation; Trackage Rights Exemption; Norfolk and Western Railway Co.

Norfolk and Western Railway Company (NW) has agreed to grant overhead trackage rights to Consolidated Rail Corporation from the connection between the tracks of the Belt Railway Company of Chicago (BRC) and NW at "80th Street" Interlocking, (a) north to the connection with METRA (Metropolitan Rail) at 74th Street, or (b) west to the connection with the BRC at "Belt Jct.", Chicago, IL, a total distance of approximately 6,385 feet. The trackage rights operations are expected to become effective on or about June 30, 1992.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the

transaction. Pleadings must be filed with the Commission and served on: John J. Paylor, Consolidated Rail Corporation, 1138 Six Penn Center Plaza, Philadelphia, PA 19103.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected by the conditions in *Nofolk and Western Ry. Co—Trackage Rights—BN*,354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), and as clarified in *Wilmington Term. RR, Inc.—Pur. & Lease—CSX Transp., Inc.*, 6 I.C.C.2d 799 (1990), *aff'd sub nom. Railway Labor Executives' Assn. V. ICC*, 930 F.2d 511 (6th Cir. 1991).

Decided: July 2, 1992.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-16242 Filed 7-9-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

New General Wage Determination; Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page numbers(s).

Volume I

Kentucky:
- *KY91-31 (July 10, 1992) ..... p.All.
- *KY91-32 (July 10, 1992) ..... p.All.
- *91-33 (July 10, 1992) ..... p.All.
- KY91-34 (July 10, 1992) ..... p.All.

* These new general wage determinations are applicable to building construction in Bourbon, Clark and Woodford Counties, previously in KY91-29.

Volume II

Kansas: KS91-16 (July 10, 1992). p.All.

Volume III

South Dakota: SD91-6 (July 10, 1992). p.All.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Georgia:
- GA91-31 (Feb. 22, 1991) ..... p.All.
- GA91-32 (Feb. 22, 1991) ..... p.All.

Maryland:
- MD91-1 (Feb. 22, 1991) ..... p.All.
- MD91-11 (Feb. 22, 1991) ..... p.All.

New Jersey: NJ91-3 (Feb. 22, 1991). p.721, p.724

New York:
- NY91-17 (Feb. 22, 1991) p.921, p.922
- NY91-20 (Feb. 22, 1991) p.949, pp.950-952

Pennsylvania:
- PA91-7 (Feb. 22, 1991) p.1019, p.1020
- PA91-14 (Feb. 22, 1991) p.1063, pp.1064-1065
- PA91-21 (Feb. 22, 1991) p.1107, p.1108
- PA91-23 (Feb. 22, 1991) p.1123, p.1124
- PA91-24 (Feb. 22, 1991) p.1129, p.1130

Virginia: VA91-74 (Feb. 22, 1991). p.All.

West Virginia: WV91-2 (Feb. 22, 1991). p.1421, pp.1422-1427

Volume II

Kansas: KS91-11 (Feb. 22, 1991). p.All.

Missouri:
- MO91-1 (Feb. 22, 1991) p.651, p.656
- MO91-9 (Feb. 22, 1991) p.721

Ohio: OH91-29 (Feb. 22, 1991).. p. 903
pp.911-912

Volume III

Colorado:
CO91-1 (Feb. 22, 1991)..... p.151
pp.153, 157
CO91-5 (Feb. 22, 1991)..... p.All.
Idaho: ID91-1 (Feb. 22, 1991)..... p.All.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from:

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 2nd day of July 1992.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 92-15983 Filed 7-9-92; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Full Committing Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standard Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on July 28-29, 1992, at the Frances Perkins Building, 200 Constitution Avenue, NW., room S-4215A and B, Department of Labor, Washington, DC. The meeting is open to the public and will begin at 9 a.m. on each day.

The agenda for this meeting includes reports on the following subjects: Activities of the Office of Public Information; the procedures used by the Office of Field Programs to conduct programmed inspections; action by the Employment and Training Administration to develop a Dictionary of Occupational Titles; the status of negotiated rulemaking of steel erection; work groups activities; OSHA-BLS coordination on the Annual Survey; and activities of the OSHA Training Institute. In addition, the Advisory Committee will address a proposal to reduce construction industry employee exposure to methylene chloride.

Written data, views or comments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs at the address below. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting. Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Persons who request the opportunity to address the Advisory Committee may be allowed to speak, as time permits, at the discretion of the Chairman of the Advisory Committee.

For additional information contact: Tom Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone 202-523-8615. An official record of the meeting will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, DC, this 26 day of June 1992.

Dorothy L. Strunk,

Acting Assistant Secretary of Labor.

[FR Doc. 92-16270 Filed 7-9-92; 8:45 am]

BILLING CODE 4510-26-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: U.S Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35).

1. *Type of submission (new, revision, or extension)*: New

2. *The title of the information collection*: "Survey for Fabricators and Users of DOT Specification Packages."

3. *The form number, if applicable*: Not applicable.

4. *How often the collection is required*: Voluntary, one-time request.

5. *Who will be required or asked to report*: Users and fabricators of the DOT specification packages for fissile materials and for Type B quantities of other radioactive materials.

6. *An estimate of the number of respondents*: 114.

7. *The average burden per response*: 90 minutes.

8. *An estimate of the total number of hours needed to complete the requirements or request*: 171 hours.

9. *An indication of whether Section 3504(h), Public Law 96-511 applies*: Not Applicable.

10. *Abstract*: NRC will conduct a survey of fabricators and users of specification packages, to gather technical and use data associated with the identified packages. Specification Packages are broad families of package designs authorized by the Department of Transportation (DOT) for transport of certain Type B and fissile radioactive materials. The information will be used to plan future NRC regulatory actions with regard to specification package designs.

Copies of the submittal to OMB may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC 20555.

Comments and questions can be directed by mail to the OMB Reviewer:

Ronald Minsk, Office of Information and Regulatory Affairs (3150-_____), NEOB-3019, Office of Management and Budget, Washington, DC 20503

Comments can also be submitted by telephone at (202) 395-3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 492-8132.

Dated at Bethesda, Maryland, this 1st day of July 1992.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 92-16225 Filed 7-9-92; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. Type of submission, new, revision, or extension: New.

2. The title of the information collection: 48 CFR chapter 20, Nuclear Regulatory Commission Acquisition Regulation (NRCAR).

3. The form number if applicable: N/A.

4. How often the collection is required: On occasion; one time.

5. Who will be required or asked to report: Offerors responding to NRC solicitations and contractors receiving contract awards from NRC.

6. An estimate of the number of responses: 11,270.

7. An estimate of the burden per response: 10.7 hours.

8. An estimate of the total number of hours needed to complete the requirement or request: 120,441.

9. An indication of whether section 3504(h), Public Law 96–511 applies: Applicable.

10. Abstract:

The NRCAR is necessary to implement and supplement the government-wide Federal Acquisition Regulation, and to ensure that the regulations governing the procurement of goods and services within the NRC satisfy the needs of the agency.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW., (Lower Level), Washington, DC.

Comments and questions can be directed by mail to the OMB reviewer:

Ronald Minsk, Office of Information and Regulatory Affairs, NEOB–3019, (3150–_____), Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland this 18th day of July 1992.

For the Nuclear Regulatory Commission

Gerald F. Cranford,

Designated Senior, Official for Information Resources Management.

[FR Doc. 92–16226 Filed 7–9–92; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–029]

Yankee Atomic Electric Co., Yankee Nuclear Power Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from the emergency preparedness requirements of 10 CFR part 50, Appendix E, sections IV.F.2 and IV.F.3. This exemption would be granted to the Yankee Atomic Electric Company (Yankee or the licensee) for the Yankee Nuclear Power Station (Rowe) located in Franklin County, Massachusetts.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant a one-time exemption from the annual emergency preparedness requirements of 10 CFR part 50, Appendix E, section IV.F.2 and a permanent exemption from section IV.F.3 which requires a full scale offsite biennial exercise. The licensee requested these exemptions in their letter of May 22, 1992. This request is the proposed action being considered by the NRC.

The Need for the Proposed Action

The licensee's letter of May 22, 1992, stated that the plant has permanently ceased power operation and that all nuclear fuel has been removed from the containment to the spent fuel pool and therefore the requirements of 10 CFR part 50, Appendix E, section IV.F.2, for one time only, and section IV.F.3, are no longer needed as there could not be any possible release of fission products into the environment from reactor system pressure boundary releases.

Environmental Impact of the Proposed Action

The proposed exemption does not have any effect on accident risk and the possibility of environmental impact is extremely remote.

The licensee's safety analysis submitted with their May 22, 1992, letter established that in the event a fuel assembly is damaged to such an extent that all fuel pins ruptured and released the entire gap inventory of fission gases to the Spent Fuel Pool Building, the radiological consequences at the Exclusion Area Boundary would be well below (less than 0.0008 percent) the values specified in 10 CFR part 100. Therefore, this would not represent an undue hazard to the health and safety of the public. Exposures at the Protected Area Fence would be well below (less than 2 percent) the EPA's Protective Action Guidelines (PAGs) and exposures in the Control Room would be a small fraction (less than 4 percent) of the limits in 10 CFR part 50, Appendix A, General Design Criterion 19.

Based on its safety analysis, YAEC has determined that the consequences of accidents which may potentially result in a radiological release are significantly diminished given YNPS's permanently shutdown and defueled status. The safety analysis examined each design basis event described in the FSAR chapter 400, "Transient Analysis," and stated that only the fuel handling accident remains applicable, considering the current status of the plant.

Therefore, the proposed exemption does not increase the probability or consequences of any accidents, no changes are made in the types of any radioactive effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure onsite.

Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential non-radiological impacts, the proposed action does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the exemption. This would not reduce environmental impacts of the facility and would not enhance the protection of the environment nor public health and safety. However, denial of the exemption would unnecessarily deplete licensee resources.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered

in prior reviews for the Yankee Nuclear Power Station. The plant was licensed before the requirement for issuance of a Final Environmental Statement.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption dated May 22, 1992, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the local public document room at Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301.

Dated at Rockville, Maryland, this 2d day of July 1992.

For the Nuclear Regulatory Commission.

Richard F. Dudley, Jr.,

Acting Director, Non-Power Reactors, Decommissioning and Environmental Project Directorate, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92-16232 Filed 7-9-92; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guides; Issuance, Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.7, Revision 1, "Instructions for Recording and Reporting Occupational Radiation Exposure Data," describes an acceptable program for the preparation, retention, and reporting of records of occupational radiation exposures. It includes copies of NRC Forms 4 and 5 and detailed instructions on completing them.

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Copies of issued guides may be purchased from the Government Printing Office at the current GPO price. Information on current GPO prices may be obtained by contacting the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082, telephone (202) 512-2249 or (202) 512-2171. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161.

Authority: 5 U.S.C. 552(a).

Dated at Rockville, Maryland, this 30th day of June 1992.

For the Nuclear Regulatory Commission.

Eric S. Beckjord, Director,

Office of Nuclear Regulatory Research.

[FR Doc. 92-16224 Filed 7-9-92; 8:45 am]

BILLING CODE 7590-01-M

Two-Year Trial Program for Conducting Open Enforcement Conferences; Policy Statement

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement.

SUMMARY: The Nuclear Regulatory Commission (NRC) is issuing this policy statement on the implementation of a two-year trial program to allow selected enforcement conferences to be open to attendance by all members of the general public. This policy statement describes the two-year trial program and informs the public of how to get information on upcoming open enforcement conferences.

DATES: This trial program is effective on July 10, 1992, while comments on the program are being received. Submit comments on or before the completion of the trial program scheduled for July 11, 1992. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Send comments to: The Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Service Branch.

Hand deliver comments to: One White Flint North, 11555 Rockville Pike, Rockville, MD between 7:45 a.m. to 4:15 p.m., Federal workdays.

Copies of comments may be examined at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC

FOR FURTHER INFORMATION CONTACT: James Lieberman, Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (301-504-2741).

SUPPLEMENTARY INFORMATION:

Background

The NRC's current policy on enforcement conferences is addressed in Section V of the latest revision to the "General Statement of Policy and Procedure for Enforcement Actions," (Enforcement Policy) 10 CFR part 2, appendix C that was published on February 18, 1992 (57 FR 5791). The Enforcement Policy states that, "enforcement conferences will not normally be open to the public." However, the Commission has decided to implement a trial program to determine whether to maintain the current policy with regard to enforcement conferences or to adopt a new policy that would allow most enforcement conferences to be open to attendance by all members of the public.

Policy Statement

Position

The NRC is implementing a two-year trial program to allow public observation of selected enforcement conferences. The NRC will monitor the program and determine whether to establish a permanent policy for conducting open enforcement conferences based on an assessment of the following criteria:

(1) Whether the fact that the conference was open impacted the NRC's ability to conduct a meaningful conference and/or implement the NRC's enforcement program;

(2) Whether the open conference impacted the licensee's participation in the conference;

(3) Whether the NRC expended a significant amount of resources in making the conference public; and

(4) The extent of public interest in opening the enforcement conference.

I. Criteria For Selecting Open Enforcement Conferences

Enforcement conferences will not be open to the public if the enforcement action being comtemplated—

(1) Would be taken against an individual, or if the action, though not taken against an individual, turns on whether an individual has committed wrongdoing;

(2) Involves significant personnel failures where the NRC has requested that the individual(s) involved be present at the conference;

(3) Is based on the findings of an NRC Office of Investigations (OI) report; or

(4) Involves safeguards information, Privacy Act information, or other information which could be considered proprietary.

Enforcement conferences involving medical misadministrations or overexposures will be open assuming the conference can be conducted without disclosing the exposed individual's name. In addition, enforcement conferences will not be open to the public if the conference will be conducted by telephone or the conference will be conducted at a relatively small licensee's facility. Finally, with the approval of the Executive Director for Operations, enforcement conferences will not be open to the public in special cases where good cause has been shown after balancing the benefit of public observation against the potential impact on the agency's enforcement action in a particular case.

The NRC will strive to conduct open enforcement conferences during the two-year trial program in accordance with the following three goals:

(1) Approximately 25 percent of all eligible enforcement conferences conducted by the NRC will be open for public observation;

(2) At least one open enforcement conference will be conducted in each of the regional offices; and

(3) Open enforcement conferences will be conducted with a variety of the types of licensees.

To avoid potential bias in the selection process and to attempt to meet the three goals stated above, every fourth eligible enforcement conference involving one of three categories of licensees will normally be open to the public during the trial program. However, in cases where there is an ongoing adjudicatory proceeding with one or more intervenors, enforcement conferences involving issues related to the subject matter of the ongoing adjudication may also be opened. For the purposes of this trial program, the three categories of licensees will be commercial operating reactors, hospitals, and other licensees, which will consist of the remaining types of licensees.

II. Announcing Open Enforcement Conferences

As soon as it is determined that an enforcement conference will be open to public observation, the NRC will orally notify the licensee that the enforcement conference will be open to public observation as part of the agency's trial program and send the licensee a copy of this **Federal Register** notice that outlines the program. Licensees will be asked to estimate the number of participants it will bring to the enforcement conference so that the NRC can schedule an appropriately sized conference room. The NRC will also notify appropriate State liaison officers that an enforcement conference has been scheduled and that it is open to public observation.

The NRC intends to announce open enforcement conferences to the public normally at least 10 working days in advance of the enforcement conference through the following mechanisms:

(1) Notices posted in the Public Document Room;

(2) Toll-free telephone messages; and

(3) Toll-free electronic bulletin board messages.

Pending establishment of the toll-free message systems, the public may call (301) 492–4732 to obtain a recording of upcoming open enforcement conferences. The NRC will issue another Federal Register notice after the toll-free message systems are established.

To assist the NRC in making appropriate arrangements to support public observation of enforcement conferences, individuals interested in attending a particular enforcement conference should notify the individual identified in the meeting notice announcing the open enforcement conference no later than five business days prior to the enforcement conference.

III. Conduct of Open Enforcement Conferences

In accordance with current practice, enforcement conferences will continue to normally be held at the NRC regional offices. Members of the public will be allowed access to the NRC regional offices to attend open enforcement conferences in accordance with the "Standard Operating Procedures For Providing Security Support For NRC Hearings And Meetings" published November 1, 1991 (56 FR 56251). These procedures provide that visitors may be subject to personnel screening, that signs, banners, posters, etc., not larger than 18" be permitted, and that disruptive persons may be removed.

Each regional office will continue to conduct the enforcement conference proceedings in accordance with regional practice. The enforcement conference will continue to be a meeting between the NRC and the licensee. While the enforcement conference is open for public observation, it is not open for public participation.

Persons attending open enforcement conferences are reminded that (1) the apparent violations discussed at open enforcement conferences are subject to further review and may be subject to change prior to any resulting enforcement action and (2) the statements of views or expressions of opinion made by NRC employees at open enforcement conferences or the lack thereof, are not intended to represent final determinations or beliefs.

In addition to providing comments on the agency's trial program in accordance with the guidance in this notice, persons attending open enforcement conferences will be provided an opportunity to submit written comments anonymously to the regional office. These comments will subsequently be forwarded to the Director of the Office of Enforcement for review and consideration.

Dated at Rockville, MD, this 7th day of July 1992.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 92–16233 Filed 7–9–92; 8:45 a.m.]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Request for Clearance of a Revised Information Collection to Add Form RI 36–7 to OMB Clearance Number 3206–0128

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a request for clearance of a revised information collection, to add form RI 36–7 to the Application for Refund of Retirement Deductions (CSRS). OPM must have SF 2802 completely filled out and signed before paying a refund of retirement contributions. SF 2802B must also be complete if there are spouse(s) or former

spouse(s) who must be notified of the employee's intent to take a refund. RI 36–7, Marital Information Required of Refund Applicants, is used to pay refunds of retirement contributions. OPM must determine the applicant's marital status and whether any spouse (and any former spouses divorced after May 6, 1985) have been informed of the proposed refund. RI 36–7 is needed when the SF 2802 is incomplete as to the applicant's marital status.

Approximately 21,050 RI 36–7 forms will be completed per year. The form requires 10 minutes to complete. The annual burden is 3,508 hours.

For copies of this proposal, contact C. Ronald Trueworthy on (703) 908–8550.

DATES: Comments on this proposal should be received by August 10, 1992.

ADDRESSES: Send or deliver comments to—

Lorraine Dettman, Chief, Operations Support Division, Retirement Programs, U.S. Office of Personnel Management, 1900 E Street, NW., room 3349, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW, Room 3002, Washington, DC 20503

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Chief Administrative Management Branch (202) 606–0623.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 92–16189 Filed 7–9–92; 8:45 am]

BILLING CODE 6325–01–M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Meeting of the President's Council of Advisors on Science and Technology

ACTION: Amended notice of meeting.

CHANGES: The President's Council of Advisors on Science and Technology (the "Council") is currently holding a series of public meetings around the country as announced in 57 FR 23604–605 (June 4, 1992). This amendment is to provide notice of the precise location for the next two public meetings.

DATES AND LOCATIONS: On July 15, 1992, the Council will meet at the University of California—Berkeley from 8:30 a.m. to 3:30 p.m. following the agenda set out in the **Federal Register** notice referenced above. This meeting will be held at Foot Hill Housing Unit 6 located at 2700 Hearst Avenue (at the corner of Galey Road and Hearst Avenue). The meeting will convene in the Assembly Room of Building 4.

On July 17, 1992, the Council will meet at the University of Texas at Austin from 8:30 a.m. to 3:30 p.m. following the agenda set out in the **Federal Register** notice referenced above. This meeting will be held at the Frank C. Erwin, Jr. Special Events Center located at 1701 Red River Street.

FOR FURTHER INFORMATION CONTACT: Ms. Alicia Tenuta, Office of Science and Technology Policy, 744 Jackson Place, NW., Washington, DC 20506 at (202) 395–3170, fax number (202) 395–5076.

Dated: July 6, 1992.

Vickie V. Sutton,

Assistant Director, Office of Science and Technology Policy.

[FR Doc. 92–16238 Filed 7–9–92; 8:45 am]

BILLING CODE 3170–01–M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Incorporated

July 6, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Medical Care International, Inc.
Common Stock, $.01 Par Value (File No. 7–8663)

National Media Corp.
Common Stock, $.10 Par Value (File Value (File No. 7–8664)

Praxair, Inc.
Common Stock, $.01 Par Value (File Value (File No. 7–8665)

Solectron Crop.
Common Stock, No Par Value (File No. 7–8666)

Westmoreland Coal Co.
Common Stock, $2.50 Par Value (File No. 7–8667)

Bradless, Inc.
Common Stock, $.01 Par Value (File No. 7–8668)

Citizens Utilities Co.
Class A Common Stock, $.25 Par Value (File No. 7–8669)

Citizens Utilities Co.
Class B Common Stock, $.25 Par Value (File No. 7–8670)

Dr. Pepper/Seven Up Companies, Inc.
Common Stock, $.01 Par Value (File No. 7–8671)

General Instrument Corp.
Common Stock, $.01 Par Value (File No. 7–8672)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 27, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges to such applications are consistent with the maintenance of fair and orderly markets and and protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–16178 Filed 7–9–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Incorporated

July 6, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

American Oil & Gas Corp.
Common Stock, $.04 Par Value (File No. 7–8699)

Chemical Banking Corp.
8⅜% Pfd. Stock, $1.00 Par Value (File No. 7–8700)

Family Dollar Stores
Common Stock, $.10 Par Value (File No. 7–8701)

First Commonwealth Financial Corp.
Common Stock, $5.00 Par Value (File No. 7–8702)

Ford Holdings, Inc.
Depositary Shares (rep. 1/4,000 shares of Ser. A. Cum. Pfd. Stock) (File No. 7–8703)

Franklin Quest Co.
Common Stock, $0.50 Par Value (File No. 7–8704)

Health Management Association, Inc.

Class A Common Stock, $0.01 Par Value (File No. 7–8705)
Hook-SuperRx, Inc.
Common Stock, $0.01 Par Value (File No. 7–8706)
Hospital Staffing Services, Inc.
Common Stock, $0.001 Par Value (File No. 7–8707)
Interstate Bakeries Corp.
Common Stock, $0.01 Par Value (File No. 7–8708)
MacFrugal's Bargains Close-Outs, Inc.
Common Stock, $0.02778 Par Value (File No. 7–8709)
Midwest Resources, Inc.
Common Stock, No Par Value (File No. 7–8710)
PacificCorp
$1.98, No Par Srl. Pfd Stock, Ser. 1992 (File No. 7–8711)
Standard Pacific Corp.
Common Stock, $0.01 Par Value (File No. 7–8712)
Superior Industries International, Inc.
Common Stock, $0.50 Par Value (File No. 7–8713)
Transportacion Maritima Mexicana, SA de CV
American Depository Shares (rep. 1 Ser. L Share, Without Par Value) (File No. 7–8714)
Transportacion Maritima Mexicana, SA de CV
American Depository Shares (rep. 1 Ord. Partic. Ctf.) (File No. 7–8715)
UJB Financial Corp.
Common Stock, $1.20 Par Value (File No. 7–8716)
Valero Natural Gas Partners, L.P.
Common Units, No Par Value (File No. 7–8717)
Van Kampen Merritt Municipal Opportunity Trust
Common Shares of Beneficial Interest, $0.01 Par Value (File No. 7–8718)
Van Kampen Merritt Trust for Investment Grade California Municipal
Common Shares of Beneficial Interest, $0.01 Par Value (File No. 7–8719)
Western Gas Resources, Inc.
Common Stock, $0.10 Par Value (File No. 7–8720)
Westinghouse Electric Co.
Depository Shares (rep. ¼ Share of Ser. B Conv. Pfd. Stock, $1.00 Par Value) (File No. 7–8721)
Ground Round Restaurants, Inc.
Common Stock, No Par Value (File No. 7–8722)
North American Vaccine
Common Stock, No Par Value (File No. 7–8723)
Sulcus Computer Corp.
Common Stock, No Par Value (File No. 7–8724)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 27, 1992, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–16180 Filed 7–9–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

July 6, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Nuveen Insured California Select Tax Free Income Portfolio
Shares of Beneficial Interest, $.01 Par Value (File No. 7–8673)
Nuveen Insured New York Select Tax Free Income Portfolio
Shares of Beneficial Interest, $.01 Par Value (File No. 7–8674)
Putnam Tax Free Health Care Fund
Common Shares of Beneficial Interest, No Par Value (File No. 7–8675)
International Mobile Machines Corporation
Common Stock, $.01 Par Value (File No. 7–8676)
Conagra Incorporated
Class E Cumulative Convertible Voting Preferred Stock, No Par Value (File No. 7–8677)
Hafslund Nycomed, A.S.
American Depositary Shares (each representing one Class B Share, NOK 50 each) (File No. 7–8678)
Delta Air Lines, Inc.
Depositary Shares (each representing 1/1,000 share of Series C Convertible Preferred Stock, $50 Liquidity Preference, $1.00 Par Value) (File No. 7–8679)
Ultramar Corporation
Common Stock, $.01 Par Value (File No. 7–8680)
Authentic Fitness Corporation
Common Stock, $.01 Par Value (File No. 7–8681)
Bradlee's Inc.
Common Stock, $.01 Par Value (File No. 7–8682)
Davstar Industries, Ltd.
Warrants to Purchase Class A Common Shares, expiring March 20, 1997 (File No. 7–8683)
Royal Appliance Manufacturing Co.
Common Stock, $.01 Par Value (File No. 7–8684)
Regency Health Services
Common Stock, $.01 Par Value (File No. 7–8685)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 27, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–16176 Filed 7–9–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Incorporated

July 6, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder the unlisted trading privileges in the following securities:

Praxair, Inc.
Common Stock, $.01 Par Value (Filed No. 7–8658)
MacFrugal's Bargins Close-Out, Inc.
Common Stock, $.02778 Par Value (Filed No. 7–8659)
International Mobile Machines Corp.

Common Stock, $.01 Par Value (Filed No. 7–8660)
First USA, Inc.
Common Stock, $.01 Par Value (Filed No. 7–8661)
Hook-SuperRx, Inc.
Common Stock, $.01 Par Value (File No. 7–8662)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 27, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority

Jonathan G. Katz,

Secretary.

[FR Doc. 92–16175 Filed 7–9–92; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications of Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

July 6, 1992.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Putnam Tax Free Health Care Fund
Common Shares of Beneficial Interest, No Par Value (File No. 7–8686)
Haib Rogal & Hamilton Company
Common Stock, No Par Value (File No. 7–8687)
Nuveen Insured California Select Tax Free Income Portfolio
Shares of Beneficial Interest, $.01 Par Value (File No. 7–8688)
Nuveen Insured New York Select Tax Free Income Portfolio
Shares of Beneficial Interest, $.01 Par Value (File No. 7–8689)
Mitchell Energy & Development Corp.
Class A Common Stock, No Par Value (File No. 7–8690)
Mitchell Energy & Development Corp.
Class B Common Stock, No Par Value (File No. 7–8691)
Sea Container Limited
When Issued Class A Common Stock, $0.01 Par Value (File No. 7–8692)
International Mobile Machines Corp.
Common Stock, $.01 Par Value (File No. 7–8693)
Schult Homes Corporation
Common Stock, No Par Value (File No. 7–8694)
Broad, Inc.
Pfd Stock Series B Cum., No Par Value (File No. 7–8695)
Delta Airlines, Inc.
Depositary Shares, $1.00 Par Value (File No. 7–8696)
Ultramar Corporation
Common Stock, $.01 Par Value (File No. 7–8697)
Hafslund Nycomed A.S.
American Depositary Shares (File No. 7–8698)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 27, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92–16179 Filed 7–9–92; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Delegation of Loan Authority to Specific Agency Field Personnel

AGENCY: Small Business Administration.

ACTION: Notice Delegating Loan Approval Authority to Specific Agency Field Personnel.

SUMMARY: This notice increases the delegated authority of certain specific Small Business Administration (SBA) field personnel to approve SBA guaranteed loans. This increased authority is based upon the education, training, or experience of such personnel and is meant to expedite Agency action in processing loan applications.

EFFECTIVE DATE: This notice is effective July 10, 1992.

FOR FURTHER INFORMATION CONTACT: Charles R. Hertzberg, Assistant Administrator for Financial Assistance, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416, Tel. (202) 205–6490.

SUPPLEMENTARY INFORMATION: On December 19, 1991, SBA published, in the **Federal Register** 56 FR 65823, a final rule amending Section 101.3–2 of part 101, title 13, Code of Federal Regulations, which set forth a clarified standard delegation of authority to conduct program activities in SBA field offices. Previously, Section 101.3–2 had set forth the standard delegation of authority to SBA field personnel as well as all deviations from the standard based upon education, experience, and/or training. The December 19, 1991 publication eliminated all deviations in favor of a standard delegation of authority. In addition, the rule provided authority by which SBA might, as it deemed appropriate, increase, decrease, or set the level of authority for any individual SBA field official in a regional, district, or branch office, based upon education, training, or experience by publication of a notice in the **Federal Register**.

The Agency believes that, when appropriate, delegating increased levels of authority to field personnel yields increased benefits for program participants and SBA. SBA is authorized to guaranty up to 90% of a loan depending upon total loan amount. As such, it is essential that the Agency have qualified loan officers to process expeditiously and accurately the applications submitted. Agency officials in the field who are delegated greater levels of authority in light of their additional education, training, or experience allow for loan applications of greater amounts being processed where both the lender and the borrower are located. In this fashion, the loan applicant and the lender are both served with quicker and more accurate processing, while the Agency is served by quality lending and better relations with its participating lenders.

This notice increases the delegated authority of specific SBA officials to approve guaranteed loan applications based upon each respective official's education, training, or experience. The

SBA branch managers in Melville, and Rochester, N.Y. have successfully completed training courses offered by the Agency. Such training qualifies them to better analyze and process loan applications submitted by SBA participating lenders for SBA guarantees. The SBA branch manager in Elmira, N.Y. is a loan officer with 20 years experience processing SBA guaranteed loans. Additionally, the supervisory loan specialists in Elmira and Melville, N.Y. have successfully completed training courses offered by the Agency.

SBA branch managers and supervisory loan specialists have, as a standard, delegated authority to approve SBA guaranteed loans of up to $250,000. This notice increases the delegated loan approval authority for the branch managers in Elmira, Melville, and Rochester, N.Y. to $500,000. Further, this notice increases the delegated authority to approve SBA guaranteed loans for the supervisory loan specialists in Elmira and Melville, N.Y. to $500,000. This increased delegation of authority is specific to the individuals presently incumbent and continues only so long as they remain in such positions.

Dated: June 24, 1992.

Charles R. Hertzberg,

Assistant Administrator for Financial Assistance.

[FR Doc. 92-16034 Filed 7-9-92; 8:45 am]

BILLING CODE 8025-01-M

STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM

Scientific Advisory Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of Committee: Strategic Environmental Research and Development Program, Scientific Board.

Date of Meeting: Tuesday, July 28, 1992, and Wednesday, July 29, 8 a.m. to approximately 5 p.m. on Tuesday and 3 p.m. on Wednesday.

Place: Main Auditorium, National Guard Building, ONE Massachusetts Avenue NW., Washington, DC.

Matters To Be Considered: The Scientific Advisory Board will hold management sessions, will revisit six Phase I programs equal to or in excess of $1M, and will review eight Phase II programs equal to or in excess of $1M. Representatives from DoD, DOE, and EPA will provide briefings on the individual projects.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Mr. Jerry L. Miller, CERD-M, room 6208, 20 Massachusetts Avenue, NW., Washington, DC 20314-1000, 202-272-1843.

Robert Oswald,

Acting Executive Director.

[FR Doc. 92-16163 Filed 7-9-92; 8:45 am]

BILLING CODE 5000-05-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aircraft Accessibility Federal Advisory Committee; Meetings

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice; Schedule of Committee Meeting.

SUMMARY: The Department of Transportation gives notice, as required by the Federal Advisory Committee Act (Pub. L. 92-463), of the time and location of the first meeting of the Aircraft Accessibility Federal Advisory Committee.

DATES: The initial meeting of this Committee is scheduled for Wednesday, July 29, and Thursday, July 30, 1992, in Conference Room 6244 of the Department of Transportation (Nassif Building), 400 7th Street, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Donald R. Trilling, Director, Office of Transportation Regulatory Affairs, Department of Transportation, 400 7th Street, SW., Washington, DC 20590, Telephone (202) 366-4220

or

Ira Laster, Jr., Senior Program Coordinator, Department of Transportation, Office of Transportation Regulatory Affairs, 400 7th Street, SW., Washington, DC 20590, Telephone (202) 366-4859.

SUPPLEMENTARY INFORMATION: The purpose of the Aircraft Accessibility Federal Advisory Committee is to advise the Secretary of Transportation on issues necessary for further rulemaking to implement the Air Carrier Access Act of 1986. The Committee will advise the Department on matters such as:

1. The degree to which it is possible to design for placement in a narrow-body aircraft a toilet that will accommodate persons with disabilities, including those who use wheelchairs;

2. For the various cabin configurations of different aircraft types under 200 seats, what physical layouts are possible to offer passengers at least visual privacy, and the ability to maneuver in the lavatories?

3. What physical layouts are possible which would provide disabled passengers using an on-board chair full maneuvering room inside the lavatory? What layouts would provide partial accessibility (e.g., a privacy area curtain outside the lavatory)?

4. Which designs can be accomplished without the loss of revenue seats? Which designs can be accomplished with only a minimal loss of revenue seats?

5. How would such arrangements affect passenger traffic within the cabin, flight attendant duties in galleys, and the passenger ease of access to the remaining lavatories?

6. How might such arrangements impair safety, if at all?

7. In small planes, where can the on-board chairs be stored?

8. Down to what size airplanes and for what types can accessible lavatory requirements reasonably be imposed?

9. Should any requirements for accessible lavatories be made a function of stage length (i.e., range of distances the aircraft usually covers during a flight segment) instead of airplane size, and, if so, for what stage lengths should such requirements be imposed? How would this approach alter air carriers' operational flexibility?

Background

Concurrent with the March 1990 publication of DOT's Air Carrier Access Act rule, the Department issued an Advance Notice of Proposed Rulemaking (ANPRM) seeking comments on specifications for accessible lavatories in narrow-body aircraft. The ANPRM stated that if sufficient information was not received, the Department would bring together aircraft manufacturers, disabled consumers, air carriers, and flight duty personnel to exchange information from which to frame a regulatory requirement.

Comments to the Docket in response to the 1990 ANPRM revealed little agreement among commenters concerning the degree of accessibility that can be achieved in lavatories on narrow-body aircraft. This is a complex, controversial question best answered through structured dialogue between aircraft manufacturers, air carriers,

consumers with disabilities, and flight duty personnel.

The Department will use advice provided by the Committee to develop a notice of proposed rulemaking and a final rule.

Issued on July 2, 1992.

Jeffrey N. Shane,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 92-16239 Filed 7-9-92; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Intent To Rule on Applications To Impose, Use a Passenger Facility Charge (PFC) at Tompkins County Airport, Ithaca, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose a PFC at Tompkins County Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before August 10, 1992.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address:

New York Airports District Office, 181 South Franklin Avenue, room 315, Valley Stream, New York 11581

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Robert A. Nicholas Airport Manager of the Tompkins County Airport, at the following address:

County of Tompkins, 320 North Tioga Street, Courthouse, Ithaca, NY 1450

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Tompkins County Airport under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Philip Brito, Manager, New York Airports District Office 181 South Franklin Ave., Room 315, Valley Stream, New York, 11581. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose a PFC at Tompkins County Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On June 8, 1992, the FAA determined that the application to impose a PFC submitted by The County of Tompkins, New York was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than September 30, 1992.

The following is a brief overview of the application. Level of the proposed PFC: $3.00 Proposed charge effective date: January 1, 1993 Proposed charge expiration date: December 31, 1998 Total estimated PFC revenue: $1,900,000 Brief description of proposed project(s): Construct New Passenger Terminal including access road, Ramp and taxiway modifications, relocation of T-hangars, site preparation and utilities relocation.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under "FOR FURTHER INFORMATION CONTACT" and at the FAA regional Airports office located at:

Fitzgerald Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the County of Tompkins.

Issued in New York City, New York on June 24, 1992.

Anthony P. Spera,

Manager, Planning and Programming Branch, Eastern Region.

[FR Doc. 92-16218 Filed 7-9-92; 8:45 am]

BILLING CODE 4910-13-M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 133
Friday, July 10, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 57 F.R. 29761.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., Thursday, July 30, 1992.

CHANGES IN THE MEETING: The Commodity Futures Trading Commission has changed the time of the July 30 meeting to 2:30 p.m.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254–6314.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 92–16302 Filed 7–8–92; 8:45 am]
BILLING CODE 6351–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:12 a.m. on Tuesday, July 7, 1992, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Matters relating to the Corporation's assistance agreement with an insured bank.

Reports of the Office of Inspector General.

Recommendation concerning an administrative enforcement proceeding.

Matters relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), and concurred in by Vice Chairman Andrew C. Hove, Jr., Director Stephen R. Steinbrink (Acting Comptroller of the Currency), and Chairman William Taylor, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: July 7, 1992.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 92–16304 Filed 7–8–92; 9:40 am]
BILLING CODE 6714–01–M

FEDERAL HOUSING FINANCE BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 57 FR, 27287, June 18, 1992.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m. Wednesday, June 24, 1992.

CHANGES IN THE MEETING: The following topics were added to the agenda during the closed portion of the meeting.

1. Membership Discussion.
2. Credit Product Developments.
3. Board Management Issues.

The above matter is exempt under 552b(c) (2), and (9)(B) of title 5 of the United States Code.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Executive Secretary to the Board, (202) 408–2837.

J. Stephen Britt,
Executive Director.

[FR Doc. 92–16330 Filed 7–8–92; 11:09 am]
BILLING CODE 6725–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

CITATION OF PREVIOUSLY ANNOUNCED AGENDA (57 FR 29761, Monday, July 6, 1992)

TIME AND DATE: 10:00 a.m., Tuesday, July 7, 1992.

PLACE: Room 600, 1730 K Street, N.W., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *LJ's Coal Corporation,* Docket No. KENT 90–400. (Issues include whether the judge erred in concluding that LJ's violation of 30 CFR § 75.220 was not of a significant and substantial nature.)

2. *Secretary of Labor for Price and Vacha and UMWA v. Jim Walter Resources, Inc.,* Docket No. SE 87–128–D. This item has been postponed until a later date.

It was determined by a unanimous vote of Commissioners that this item be postponed and that no earlier announcement of the change was possible.

CONTACT PERSON FOR MORE INFO: Jean Ellen; (202) 653–5629/(202) 708–9300 for TDD Relay.

Dated: July 6, 1992.

Jean H. Ellen,
Agenda Clerk.

[FR Doc. 92–16419 Filed 7–8–92; 3:39 am]
BILLING CODE 6735–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, July 15, 1992.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: July 8, 1992.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 92–13606 Filed 7–8–92; 10:07 am]
BILLING CODE 6210–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Reauthorization Committee Meeting

TIME AND DATE: The Board of Directors Reauthorization Committee will meet on August 9, 1992. The meeting is scheduled to commence at 2:30 p.m.

PLACE: Sir Francis Drake Hotel, 450 Powell Street, The Carmel Room (2nd Floor), San Francisco, California 94101, (415) 392–3500.

STATUS OF MEETING: *Open;* The Legal Services Corporation Board of Directors

Reauthorization Committee wishes to consider public comment regarding proposed legislation for the Corporation. However, due to time constraints, the Committee will be unable to receive public comment during the August 9, 1992 meeting. Therefore, parties interested in having their comments on this matter considered by the Committee are encouraged to submit written statements in that regard before the close of business on Thursday, July 24, 1992. All written statements should be submitted to the attention of Kenneth Boehm, Assistant to the President and Counsel to the Board of Directors, Legal Services Corporation, 750 1st Street, N.E., Washington, D.C. 20002–4250.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of Minutes of April 5, 1992 Meeting.
3. Consideration of Public Comment Regarding Proposed Reauthorization Legislation for the Corporation.
4. Consideration of Proposed Reauthorization Legislation for the Legal Services Corporation.

CONTACT PERSON FOR INFORMATION:
Kenneth Boehm at (202) 336–8896.

Date Issued: July 8, 1992.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 92–16410 Filed 7–8–92; 3:15 pm]

BILLING CODE 7050–01–M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of Vote to Close Meeting

At its meeting on July 6, 1992, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for August 3, 1992, in San Francisco, California. The members will consider a filing with the Postal Rate Commission for a Mail Classification Change Regarding Delivery Point Barcoding.

The meeting is expected to be attended by the following persons: Governors Alvardo, Daniels, del Junco, Griesemer, Mackie, Nevin, Pace, Setrakian and Winters; Postmaster General Runyon, Deputy Postmaster General Coughlin, Secretary to the Board Harris, and General Counsel Hughes.

The Board determined that pursuant to section 552b(c)(3) Title 5, United States Code, and section 7.3(c) of Title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)] because it is likely to disclose information in connection with proceedings under Chapter 36 of Title 39, United States Code [having to do with postal ratemaking, mail classification and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of Title 39, United States Code.

The Board has determined further that pursuant to section 552b(c)(10) of Title 5, United States Code, and section 7.3(j) of Title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern participation of the Postal Service in a civil action or proceeding involving a determination on the record after opportunity for a hearing. The Board further determined that the public interest does not require that the Board's discussion of the matter be open to the public.

In accordance with section 552b(f)(1) of Title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(3) and (10) of Title 5, United States Code; section 410(c)(4) of Title 39 United States Code; and section 7.3 (c) and (j) of Title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

David F. Harris,

Secretary.

[FR Doc. 92–16344 Filed 7–8–92; 2:18 pm]

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Corrections

Federal Register
Vol. 57, No. 133
Friday, July 10, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 712 and 716

[OPPTS-82036A; FRL-4070-6]

Preliminary Assessment Information and Health and Safety Data Reporting; Addition of Chemicals; Technical Amendment

Correction

In rule document 92-15338 beginning on page 29033 in the issue of Tuesday, June 30, 1992, make the following correction:

On page 29033, in the third column, under **EFFECTIVE DATE**, "[insert date of publication in the **Federal Register**]" should read "June 30, 1992".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 183 (Rev. 4)]

Delegation of Authority

Correction

In notice document 92-11984 beginning on page 21851 in the issue of Friday, May 22, 1992, make the following correction:

. On page 21852, in the second column, in paragraph a., in the 12th line, after "but" insert "not".

BILLING CODE 1505-01-Ds

federal register

Friday
July 10, 1992

Part II

Postal Service

39 CFR Part 111

Barcoded Rates for Automation-Compatible Flat-Size Mailpieces; Final Rule and Notice

POSTAL SERVICE

39 CFR Part 111

Barcoded Rates for Automation-Compatible Flat-Size Mailpieces

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule adopts, Domestic Mail Manual (DMM) regulations to implement requirements for barcoded rates for automation-compatible First-, second-, and third-class flat-size mailpieces. The regulations implement rate and classification changes adopted by the Governors of the Postal Service and sets forth the physical, barcoding, addressing and preparation specifications of the Postal Service necessary for reduced postage rate.

EFFECTIVE DATE: The revisions in this rule become effective September 20, 1992.

FOR FURTHER INFORMATION CONTACT: George T. Hurst (202) 268–5232 on issues relating to physical mailpiece design and packaging requirements, Lynn M. Martin (202) 268–5176 concerning presort requirements and documentation, Cheryl Beller (202) 268–5166 concerning palletization requirements, or Leo F. Raymond (202) 268–5199 concerning the overall final rule.

SUPPLEMENTARY INFORMATION: On June 21, 1991, pursuant to 39 U.S.C. 3622 and 3623, the Postal Service submitted a request to the Postal Rate Commission (PRC) for a recommended decision to establish reduced postage rates for barcoded flat-size mailpieces meeting the physical, barcoding, addressing, and preparation specifications of the Postal Service. The PRC issued its recommended decision on the filing, designated as Docket MC91–1, on March 19, 1992. On May 4, 1992, the Governors of the Postal Service approved the PRC's recommended rate and classification changes (published elsewhere in this issue) and the Board of Governors established an effective date of September 20, 1992. The implementing regulations described below indicate the revisions and additions that will be made to the DMM to make barcoding discounts available for automation-compatible First-, second-, and third-class flat-size mailpieces.

The proposed rule was published in the **Federal Register** on April 21, 1992 (57 FR 14525–14551).

The original deadline for submitting comments on the proposed rule was May 21, 1992. However, due to requests from the mailing public for additional time, the Postal Service extended this deadline to June 1, 1992. Notification of the extended comment period was published in the **Federal Register** on May 20, 1992, (57 FR 21367).

Subsequently, the publication of an additional **Federal Register** notice on June 1, 1992, (57 FR 23072), correcting two rate discrepancies in the original proposal, extended the comment period by 10 days for those comments relating specifically to the rate corrections. Accordingly, all comments received or mailed by June 1, 1992 have been considered in the final rule, while those relating directly to the rate discrepancies have also been considered if they were received or mailed by June 11, 1992.

The Postal Service received 95 different comments on the proposed rule, including 9 from mailing industry trade associations, 17 from mailing related businesses, 67 from companies and corporations, and 1 from the Postal Rate Commission. On the basis of the comments received and further consideration of the proposals by the Postal Service, the Postal Service has decided to adopt the proposed regulations, with the revisions detailed below.

Evaluation of Comments Received

Comments Concerning Physical Mailpiece Specifications

Minimum Size—Ten commenters stated that although they understood the Postal Service's proposed minimum dimension of 6 by 6 inches for eligibility for automation-based rates for barcoded flats if existing flat sorting machine (FSM) configurations cannot efficiently process smaller size pieces, the Postal Service should continue all reasonable efforts to reduce the minimum dimension to 5 by 7 inches as soon as possible. Seven commenters stated that the minimum dimensions should be immediately set at 5 by 7 inches citing previous Postal Service pronouncements that the FSMs can already efficiently process pieces of this size. One commenter stated that pieces measuring 5½ by 8½ inches should be eligible for the discounts for barcoded flats. Two commenters stated that the Postal Service should begin modifications to FSMs as quickly as possible to give them the capability to efficiently process "digest-size" pieces.

The Postal Service evaluated the feasibility of including digest-size mailpieces in its machinability criteria for automation-compatible flats prior to the publication of the proposed rule. It was determined that smaller size mailpieces could be accommodated on the FSMs after the installment of a modification to the equipment. The Postal Service anticipated at one time that this modification could be installed prior to the date discounts for barcoded flats become available; however, unfore seen difficulties have made that installation schedule impossible. The Postal Service remains committed to modifying the FSMs to process smaller mailpieces as soon as practicable and will announce a new minimum size specification when one can be established. In the meantime, minimum size specifications are adopted as proposed.

Maximum Size—Five commenters stated that the maximum size of 12 by 15 inches to be eligible for barcoded flats discounts was too small to accommodate their tabloid size mailpiece (12 by 15½ inches) and that the equipment should be modified or redesigned with a broader range of capabilities. Two of these commenters stated that the requirement that the bound edge of an eligible flat could not be more than 12 inches will cause them to lose significant discounts and should be remedied as quickly as possible. Two commenters suggested that the maximum size for third-class carrier route qualification should be changed for consistency to apply the same dimensions to all flat-size mailpieces (DMM 128.3). One commenter stated that because many third-class catalogs are thicker than the proposed maximum of ¾ inch, the Postal Service should formally announce its intent to continue evaluating equipment processing capabilities that may allow expanded dimensions in the future.

As stated in the proposed rule, the specifications for height, length, and thickness are dictated by the operation and parameters of the Postal Service's FSMs. For example, the 12-inch maximum height for the bound edge is dictated by the need to orient the mailpiece on the machine so that the leading edge is closed and will not cause equipment jams by "ballooning out" or fanning as it catches air during high speed processing. These machines were designed to process the greatest number of the enveloped flat-size mailpieces handled by the Postal Service that could be processed in a cost effective manner. Although subsequent alterations have facilitated the processing of magazines, catalogs, and other non-enveloped pieces, the Postal Service determined that it was not cost-effective to develop equipment capable of handling larger pieces. The relatively small percentage of mail volume that would be automated as a result of this increased capability did not justify the additional expense. There is currently no deployable

equipment which can process a wider range of sizes in a cost effective manner. Although current USPS FSMs can be retrofitted to efficiently perform some new tasks (such as the processing of smaller mailpieces as noted above) no economical modifications are available that will allow the FSMs to accommodate mailpieces larger or thicker than the proposed maximum dimensions or to transport pieces for sortation at high speed with the leading edge open. For these reasons, the Postal Service adopts the proposed maximum size specifications for automation-compatible flat-size mailpieces. In the development of the next generation of flat sortation equipment, the Postal Service will continue to explore the possibility of accommodating larger mailpieces.

The issue of modifying size specifications for third-class carrier route mailpieces in order to establish more continuity among requirements is outside the scope of this rule. However, the comments received will be considered if a future proposal on this issue is made.

Maximum Weight—Four commenters stated that the 16-ounce maximum weight limit for second- and third-class mailpieces in proposed DMM 522.13 needs to be reviewed in the future to determine whether a heavier limit can be identified. One commenter noted that the weight of mailpieces can fluctuate due to imprecise trimming of publications during production, as well as the absorption of humidity after production, and therefore flexibility needs to be granted on this issue.

For first- and third-class mail, the proposed maximum weights of 11 and 16 ounces respectively, are dictated by the requirements of the Domestic Mail Classification Schedule (DMCS). Moreover, the proposed maximum of 16 ounces is needed to ensure sufficient throughput to justify the operational expense of the automated equipment versus other means of flats sortation and is based on experience gained operating FSMs as well as specific studies conducted to evaluate this issue. As mailpiece weight increases, throughput decreases (primarily due to equipment jams) and maintenance costs rise, thus eroding the savings associated with processing greater volumes with fewer employee workhours. Accordingly, the maximum weights for barcoded flats rate eligibility are adopted as proposed. As noted previously, the Postal Service will continue to work to design and develop the most cost-effective, efficient FSMs possible, capable of processing the widest practical variance in physical mailpiece specifications.

Minor weight fluctuation of mailpieces during and after their production will occur and may, in some instances, have a bearing on flat-size barcode rate eligibility. However, the Postal Service has determined that no greater burden is being imposed by these requirements than already exists in virtually all rate eligibility criteria. Maximum weight limits, established for every rate category of every class of mail, must be adhered to if the mail being presented is to qualify for the specific rate or service.

Mailpiece Rigidity/Flexibility—Four commenters urged the Postal Service to provide mailers access to the proposed "flats machinability test device" to assist them in measuring their mailpieces' adherence to flexibility criteria. Two commenters stated that the proposed flexibility criteria could be misinterpreted to disqualify envelopes that were tested for flexibility while empty. They further stated that the requirements should specify that testing be performed on the mailpiece "including its contents." Four commenters stated that the flexibility criteria were unduly demanding and would needlessly exclude too much mail from the automated mailstream. Two other commenters urged the USPS to reexamine flexibility standards for possible equipment changes in the future to accommodate catalogs currently being mailed.

The Postal Service has determined that the flexibility requirements proposed for flat-size automation-compatibility are essential to assure efficient processing on the FSMs and is therefore adopting the proposed requirements as written. An illustration will be included in the DMM to clarify the proper method for determining deflection.

The word "mailpiece" has traditionally referred to an entire item (including all contents) intended for mailing whenever cited in DMM regulations, particularly those requirements concerning design and construction. Because the term implicitly refers to the whole item to be mailed, the Postal Service believes that further clarification is not necessary.

Because of the importance mailpiece flexibility has for the automated processing of flats-size mailpieces, and the absence of a more cost-effective tool to measure this criteria, the Postal Service is adopting the proposed flats machinability test device as the required tool for measuring the flexibility and rigidity of automation-compatible flat-size mailpieces. The device will be provided upon request to those mailers wishing to qualify flat-size mailpieces for barcoded rates. Those wishing to construct their own device must adhere to the criteria established in specification USPS–STD–28. Assistance concerning the testing of flat-size mailpieces for flexibility and rigidity, or fabricating a test device that meet postal specifications is available from the field division director, marketing and communications, serving the mailer's location.

Uniformity of Contents—Four commenters stated that the prohibition of attachments to the exterior of automation-compatible flat-size mailpieces will add significant costs to their publications. They further added that it appears this requirement is being instituted with only limited testing and observation as to the extent of the problem. Two commenters noted that the proposed regulation prohibiting a mailpiece's contents from being smaller than its envelope is contradictory since the contents *must* be smaller to fit. It was recommended that either all references to insert size be removed or that an acceptable perimeter margin between the contents and the envelope be established. One commenter cited the need for regulations defining uniformity to clarify the variance in thickness the equipment can accommodate in any one mailpiece (i.e., the contents cannot vary more than 0.007 inch). One commenter stated that an official testing policy needs to be established to test "ride-alongs." Another commenter noted that the language defining the content uniformity of a barcoded flat should be the same as the current requirements for letter-size automation-compatibility.

As noted in the proposed rule, the requirements for both surface and content uniformity are derived directly from the limitations and capabilities of the equipment upon which automation-compatible flat-size mailpieces will be processed. The exterior surface of such a mailpiece must not have attachments or protuberances that are insecurely fastened or that create an irregular surface or shape that the FSM cannot efficiently process. In addition, reducing to a minimum the shifting of a flat-size mailpiece's contents is critical to stabilizing the piece during high speed transport. Unlike the automated equipment used for letter-size mail, which captures a mailpiece between two belts (firmly holding the piece and its contents together during transport), flat sorting machines rely on "pusher fingers" to accelerate a mailpiece along the mail transport path to sortation bins. The contents of an envelope or wrapper

cannot shift too freely during transport or its erratic movement may cause the mailpiece to tumble and jam in the equipment. Attachments or untrimmed wrappers or sleeves can also jam in the equipment, not only because of irregular size but also because of inadequate methods used to fasten them to the host piece.

However, the Postal Service has determined that the automated equipment can process flat-size mailpieces with permanently affixed single-sheet attachments that have the same dimensions as the host piece. Therefore the proposed rule concerning surface uniformity is changed to allow securely affixed attachments consisting of single sheets of the same size as the mailpiece, as long as the attachment is uniformly secured to an edge of the mailpiece which can be inducted as the leading edge for FSM processing. In addition, the Postal Service will continue to analyze FSM performance in processing various attachments to evaluate the potential for accommodating a broader range of attachment designs in the future.

With respect to suggestions that it further quantify size and uniformity requirements, the Postal Service believes that the large majority of flat-size mailpieces designed to meet the physical requirements established in the proposed rule will pose no problems in processing on the automated equipment. Rather than attempting to add more requirements at this time that could unduly restrict all automation-compatible flat-size mailpieces to deal with a small volume of flats which may be of questionable design, the Postal Service encourages mailers to work with local postal representatives prior to the production of barcoded flat-size mailpieces to ensure compliance with Postal regulations and equipment capabilities. If necessary, the Postal Service will revisit this issue in the future.

The Postal Service adopts the proposed requirements for surface and content uniformity as well as shape (with the inclusion of securely affixed single-sheet attachments as noted above).

Polywrapping, Shrinkwrapping, and Polybagging—Fourteen commenters stated that, although the proposed rule prohibiting polywrap-type materials from flat-size automation-compatible mailings was understandable given the processing difficulties currently experienced with such materials, the Postal Service should pursue every practical means to develop specifications that will accommodate their use in the future. Thirty-four commenters stated that polywrap-type materials should be allowed immediately, based on the encouraging results of Postal Service tests that have taken place. Two commenters requested that a testing and certification procedure be established for evaluating submitted materials. One commenter noted that this requirement may conflict with the Presidential moratorium on additional government regulations adversely impacting private business.

The Postal Service is adopting the proposed rule prohibiting the use of polywrap-type materials for automation-compatible flat-size mailings pending the completion of further study of this issue. Although preliminary tests are encouraging, several issues must be resolved before the prohibition on polywrap-type materials can be modified. In particular, the specific make-up of individual materials that causes undesirable electrostatic properties still needs to be isolated and clearly identified before requirements can be published. Recognizing the impact this issue has on the mailing industry, the Postal Service will continue to pursue polywrap analysis and will publish specifications for automation-compatible polywrap as soon as possible.

The Postal Service is not subject to the current Presidential moratorium on regulations adversely impacting private business. In addition, the Postal Service has determined that the proposed prohibition on polywrap-type materials would not fall within this moratorium even if it did apply, because it does not take away a previous right or place an additional burden upon an existing practice. Mailpieces enclosed in polywrap-type materials are not being prohibited from the mails nor is a postage discount that previously existed being eliminated for these types of mailpieces.

Blow-In Inserts—Nine commenters questioned whether the requirements for flat-size automation-compatibility would prohibit the use of unattached enclosures (often referred to as "blow-in cards"). This issue was not addressed in the proposed rule and requirements governing the acceptability of such items are not changed. Although enclosures bound into publications are less likely to be dislodged during processing, loosely inserted enclosures are not prohibited in the automation-compatibility criteria for flat-size mailpieces.

Barcode Skew & Verification—Seven individuals commented on the proposed requirements concerning barcode skew and baseline shift, requesting further clarification through the use of DMM illustrations. Three commenters requested information on how the Postal Service intends to verify the quality of barcodes placed on flat-size mailpieces.

To clarify these requirements, the Postal Service is modifying the proposed rule to subdivide DMM section 551.52 (Flat-Size Mailpieces [Skew and Baseline Shift]) into 3 subsections titled Rotational Skew, Baseline Shift, and Positional Skew, with a new DMM Exhibit illustrating each.

Postal Service verification procedures for barcode readability and accuracy have been established for ZIP+4 Barcoded rate discounts for qualifying letter-size mailpieces. Because flat-size pieces will use the same POSTNET format to represent address information as does barcoded letter-size mail, the existing verification procedures used are not altered with this rulemaking.

Multiple Barcodes—The Postal Service, upon further consideration, has decided to rescind the portion of the proposed rule that inadvertently prohibited the placement of two POSTNET format barcodes on the address side of automation-compatible letter-size mailpieces. This final rule does adopt, however, that portion of the proposal prohibiting the placement of more than one POSTNET-format barcode on the address side of flat-size mailpieces.

Unlike flat mail barcode readers retrofitted on FSMs, barcode sorters for letter-size mail are able to discriminate (via the use of default logic) between different barcode locations and lengths when scanning a piece for its barcode. Accordingly, barcode sorters for letter-size mailpieces do not experience as significant a problem as their flats counterparts when confronted with more than one POSTNET barcode.

Type Size—Two commenters stated their appreciation for the clarifications received from the Postal Service concerning the type size allowable on address labels. Three commenters suggested that the type size permissible on second-class publications be further clarified to emphatically state that 10-point type is only a recommendation and not a requirement.

The legibility requirement in DMM 429.312 recommends but does not limit mailers to 10-point type, as long as the address is printed in legible handwriting, or plain type, using black or strongly contrasting ink. This rulemaking does not address type-size of characters in the address for flat-size automation-compatibility and is making no changes to current requirements in this area.

Comments Concerning Package and Sack Make Up and Preparation

Securing Packages—Twenty-five commenters stated that the proposed required sequence of placing straps on packages of flat-size mailpieces for automation-based rates (first around the longer dimension and then along the shorter one) should be removed. Seventeen commenters stated that the wording should be modified to allow strapping, banding, or shrinkwrapping. Two commenters stated that the Postal Service should recommend a girth then length strapping sequence to secure packages of flat-size mailpieces.

In consideration of these concerns, the Postal Service adopts the proposed rule on securing packages of flat-size mailpieces for automation-based rates with the following changes.

When packages are strapped, either dimension may be secured first, although securing the longer dimension first is preferred. Shrinkwrap will be allowed as an alternative means to secure pieces into packages, if the material used is of sufficient strength to maintain the package's integrity throughout normal handling and transportation.

Counter Stacking—Two commenters requested clarification to specify that the requirements governing the counter stacking of mailpieces within packages were not being altered with this rulemaking.

The Postal Service is not altering the requirements for counter stacking groups of mailpieces of irregular thickness within a package to ensure they are leveled or squared-off for more secure packaging. Existing requirements are reiterated in DMM Chapter 5 to further clarify this issue. However, the Postal Service may seek to modify counterstacking requirements in a future rulemaking as the deployment of automatic induction systems on FSMs may require.

Firm Packages—Nine commenters commented on firm packages and one on "bulk orders," stating that further clarification was required to specify how mailpieces packaged this way will be treated within a flat-size barcoded rate mailing. They requested that the Postal Service address issues relating to the level of pallet on which they will be allowed, how they should be barcoded and identified, and what rate they will qualify for.

Mailpieces prepared in optional firm packages are presorted by the mailer for postal delivery to the address appearing on the top piece of the package. These packages are not meant to be opened by the Postal Service but are kept intact for manual processing to their point of delivery. Allowing such a significant quantity of what are essentially manually processed packages within an automated mailstream introduces manual handlings beyond what is justified for automation-based discounts. In addition, second-class mailpieces within firm (or "bulk order") packages are not required to be individually addressed except for the top piece in the package. Such packages, dispersed within an automation-based rate mailing, could be easily mistaken for packages of individually addressed and barcoded pieces. Once displaced from the original firm package, the loose unaddressed pieces are undeliverable. Therefore, the Postal Service has determined that optional firm packages (or bulk orders) may not be included in a barcoded rate flat-size mailing; however, they may be included in a carrier route mailing that is copalletized with a barcoded rate mailing.

Thickness of Packages—Seven commenters stated that a change or further clarification is required concerning the proposed six inch package thickness recommendation. This statement was a recommendation and not a requirement for packages of flat-size automation-compatible mailpieces prepared in sacks. The Postal Service is adopting the rule as proposed.

Preparation Requirements for Residual Mail—Fourteen commenters responded to the proposed requirement to establish a specific quantity of addressed pieces per residual package in a flat-size barcoded rate mailing. Many commented upon their inability to program software to separate ten pieces for packaging stating that the current requirements for preparing residual packages should suffice. Several commenters stated that inconsistencies in package quantities would result in numerous errors and thus more flexibility in residual package quantity should be allowed.

In consideration of these comments and on further consideration by the Postal Service, the final rule does not require a residual package quantity of ten pieces, but instead recommends placing residual pieces in packages measuring 6 inches.

The preparation requirements for residual mail have been clarified to allow the Postal Service to verify the postage payment and 85% ZIP+4 barcode requirement for this portion of the mailing. Although Exhibit 574, Representative Documentation, in the proposed rule showed residual mail listed in 3-digit ZIP code sequence, the proposed regulations inadvertently omitted a requirement to prepare residual mail in 3-digit ZIP Code sequence as necessary to allow the Postal Service to verify this documentation. The final rule provides two options for preparation for residual mail. The first option uses documentation in ZIP Code sequence, as illustrated in the proposed rule, and adds a requirement that residual mail be placed in 3-digit ZIP Code sequence before packaging. It further recommends that 3-digit ZIP Codes not be split between two different residual sacks for ease of postal verification. Under the second option, for mailings of identical weight pieces, pieces bearing ZIP+4 or delivery point barcodes must be separately packaged and sacked from those pieces bearing 5-digit barcodes. The mailer must physically separate the two groups of residual sacks at the time of verification to allow for verification by weighing.

Optional Endorsement Lines on Packages—Two commenters commented on the proposed changes to optional endorsement lines on packages of barcoded flat-size mailpieces, stating that the proposed optional endorsement line should not include the identifier"B/C" because this is not required for mailers using adhesive "dot" labels. Two commenters stated that no adhesive label or optional endorsement line should be required on residual packages, but if optional endorsement lines are required, the Postal Service should specify that they read as currently required by comparable existing regulations.

In view of these comments and on further consideration, the Postal Service will not require the "B/C" abbreviation in the optional endorsement lines of packages; the existing format for 5-digit, optional city, 3-digit, and SCF optional package labeling will instead be specified.

Six comments were received requesting a change to the term used to identify packages of unsorted mail to reflect how the Postal Service will handle this mail. Four commenters stated that "RESID" in the optional endorsement line can be confused with RESIDENT and asked whether this term was really needed. Two commenters stated that if any changes are made to the optional endorsement information, such as the notation "RESID" or "BASIC," they should be recommendations only and not requirements, leaving the format of the optional endorsement line as it is today.

In view of these concerns and on further consideration, the Postal Service adopts the identifier "WORKING" or the abbreviation "WKG" (a familiar mail

processing term) to identify packages of residual mailpieces that require opening and piece handling (sortation) at origin. This term will not bear any resemblance to delivery information such as RESIDENT yet will alert those responsible for processing the packages as to their proper handling.

Package and Sack Presort Requirements—The Postal Service received no specific comments regarding the presort levels for package and sack sortation. However, twenty-five comments were received concerning the proposed documentation requirements, stating that mailers were unable to predict the sack in which a package will be placed as required by the proposed requirement. In addition, 11 comments were received concerning the sacking of residual mail to origin SCFs, stating that delivery delays and sack shortages may result. Based on these comments and upon further consideration of the proposed rule, the Postal Service has determined that the following changes are warranted and are adopted in this final rulemaking.

The proposed rule provided that in a sacked mailing the rate for which pieces qualified was determined by both the level of package sortation and the level of sack sortation. For example, pieces in 3-digit packages would qualify for the 3/5-digit barcoded rates only if the packages were placed in 3-digit sacks containing the required minimum number of pieces. For palletized mailings, the proposed rule provided that rate eligibility would be determined strictly based on the sortation level of the package. Based on the comments concerning the inability of some mailers to predict the sack in which a package will be placed and to make the rate eligibility and documentation requirements for sacked and palletized mailings more uniform, under this final rule the level of the package in which pieces are prepared determines the rate the pieces will qualify for regardless of whether the mail is prepared in sacks or as packages on pallets. This means that pieces prepared in qualifying 5- and 3-digit packages that are placed in any level sack (other than a residual sack) are eligible for the 3/5-digit barcoded rates. Consistent with this change, the minimum quantity for 5-digit, 3-digit, and SCF sacks of First-Class Mail is increased to 125 pieces or 15 pounds, as with third-class mail. There are no minimums on any levels of sack for second-class mail.

In addition, under the proposed rule, the final level of sortation was an SCF sack with all residual mail placed in origin SCF sacks. Because of the concerns about possible delivery delays and sack shortages that this could create, the final rule allows ADC sacks for First-Class Mail and SDC sacks for second- and third-class mail. There is no 125 piece/15 pound minimum for First- or third-class mail prepared in ADC/SDC sacks. For all three classes of mail, packages other than residual must be sacked to the ADC/SDC level at a minimum. The final rule also gives First-Class mailers the option of omitting 5- and 3-digit sacks and preparing this mail at the SCF and ADC sack level. Based on the average smaller physical dimensions of First-Class flats, these changes should help to reduce the number of almost empty "skin" sacks that mailers could otherwise end up producing.

The proposed rule also provided that mailers could prepare packages to 5-digit and 3-digit destinations that contained fewer than the specified minimum number of pieces although the pieces in such packages would be ineligible for the 3/5 Barcoded rates (First- and third-class), Presorted First-Class rates, 3/5 presort rates (third-class) or the level B/H rates (second-class). However, because packages containing fewer than the required number of pieces do not offer customers a rate benefit and increase the Postal Service's package handling costs, the provisions to allow mailers to prepare First- or third-class packages containing fewer than the minimum number of pieces required for rate eligibility are eliminated in this final rule. Second-class mailers will continue to be allowed to prepare packages containing fewer than 6 pieces for service reasons even though there is no rate advantage.

These changes should increase rate eligibility, as well as reduce the number of sacks required and simplify the documentation requirements by eliminating the need to predict the level of sack that pieces will be placed in. In addition, rate eligibility and documentation requirements for sacked and palletized mailings are now more uniform because the level of the package in which pieces are prepared determines the rate the pieces will qualify for regardless of whether the mail is prepared in sacks or as packages on pallets.

Packaging, Sacking and Documentation for First-Class Nonpresorted Flats—In the proposed rule, the Postal Service referred mailers to sections on presort mail preparation for First-Class nonpresorted barcoded rate flats. The Postal Service finds that these regulations for presorted mail are inadequate to address mailers' needs for preparing nonpresorted mail and therefore this final rule includes several easy options for preparing First-Class nonpresorted Barcoded rate flat-size mailings consisting of 250 or more pieces. The options are based on the percentage of barcoded pieces in a mailing and on whether a mailing consists of identical weight or nonidentical weight pieces.

Comments Concerning Labors, Placards, and Facing Slips

Handwritten Labels—Twenty-three commenters stated that although there are obvious advantages to machine-printed sack and pallet labels for both the industry and the Postal Service, legibly handwritten sack and tray labels should be allowed. These commenters cited instances of lost or damaged labels that needed immediate replacement where no facilities existed for on-demand label generation. In consideration of these comments, the Postal Service revises the proposed requirements by strongly recommending that sack and tray labels be machine-printed, but permitting handwritten labels printed legibly in ink or indelible marker.

Pallet Labels—Six commenters noted that the proposed requirements for pallet labels appeared to exclude the use of pink label stock for pallets containing second-class matter. The Postal Service inadvertently omitted the requirement for pink label stock for pallets containing second-class mail in the proposed rule. The requirement is included in this final rule.

Contents Line of Sack and Pallet Labels—Twelve commenters stated that the proposed requirement to include the notations "Zip+4" and "B/C" in the contents line of sack and pallet labels for automation-compatible flat-size mailings was redundant and should be eliminated. Several commenters stated that this information would create a contents line longer than their current label printers could accommodate. One commenter suggested using the existing identifiers.

For efficient handling and processing of automation-compatible flat-size mailpieces, the Postal Service has determined that a specific identifier is required to quickly and easily differentiate barcoded quantities of mail from nonbarcoded mail. Without some notation on the contents line, visual identification of automation-compatible mail becomes slow and inefficient. However, upon consideration of these comments, the Postal Service will require that the only notation "BARCODED" be used. (As noted

elsewhere, the final rule also adopts the notation "WORKING" or the abbreviation "WKG" as an identifier for sacks containing residual mail that is part of a mailing of barcoded flat-size mailpieces.) Although the Postal Service recognizes the limitations of label width and type-size of certain label printing equipment, this change should not prove difficult given that the longest possible contents line consists of no more than 23 character spaces (including spaces left blank between identifiers).

Facing Slips on Residual Packages—Nineteen commenters cited difficulties in manually applying facing slips on residual packages in a highly automated mail production operation. Because of this, many requested that the Postal Service allow the necessary information to be included in the optional endorsement line. One commenter recommended that the use of red "D"s and green "3"s be allowed as an alternative. Another commenter suggested an action word such as "PROCESS" be substituted for the negative term "RESIDUAL."

In recognition of the problems associated with manually applying facing slips in automated mail production environments and the need for a term more indicative of the processing such mail will receive, the Postal Service adopts the requirement that either a facing slip be used bearing the word "WORKING" or the abbreviation "WKG" or the optional endorsement line containing this same information be used to identify residual packages.

Comments Concerning Mailing Jobs

Thirty-four comments were received concerning the definition of a mailing. A majority of the comments stated that the current definition of a mailing (essentially that mail which is reported on an individual mailing statement) should be modified because of the difficulties involved in qualifying and quantifying the minimum percentage of ZIP+4 barcoded pieces for each segment within a "job," "project," or "cycle." Several commenters suggested that Form 3553, CASS Report, should not be submitted with every mailing statement, that the increase in requisite documentation was unwarranted, and that the Postal Service should adopt a more flexible definition of a mailing similar to that provided for in optional procedure mailing systems. Commenters also stated that a "job" or "project" should be used to compute the overall number of pallets allowable under 650 pounds as opposed to individual segments or mailings given that any one pallet could contain multiple mailings. One Commenter noted that any redefinition of a mailing should also consider relaxing the minimum quantity requirements for third-class bulk rates. Two commenters recommended that the Postal Service examine the feasibility of incorporating the 85% prebarcoded requirement into the System Certification Program rather than checking every mailing for qualification.

The Postal Service has reviewed these comments carefully and determined that some accommodations can be made satisfying the documentation requirements herein, without changing the definition of a mailing or impairing the Postal Service's ability to verify barcode rate eligibility, address and barcode accuracy, and ultimately postage calculation and payment. Accordingly, compliance with the 85% prebarcode requirement and with CASS certification requirements may be based upon a mailing job, rather than upon the individual mailings comprising that job, as provided in DMM 575.4.

However, each individual mailing must meet minimum quantity requirements. For example to be eligible to mail at the bulk third-class rates of postage, a mailing must include a minimum of 200 pieces or 50 pounds of mail. This minimum quantity requirement must be met for each mailing with the mailing job.

Comments Concerning Changes To Palletization Requirements

Fifty-one comments were received disagreeing with the proposal to eliminate preparation of bulk mail center (BMC) and state distribution center (SDC) level pallets. Eleven comments concerned perceived inconsistencies that would be established by increasing certain maximum pallet weights to 2,200 pounds. Eight commenters noted that the dynamics of the mailing industry run counter to the proposal to submit copalletization authorizations 30 days in advance of the proposed date of mailing. Seventeen commenters objected to the reapplication process for palletization noted in the proposal, recommending that the Postal Service not require authorization, or at least grant waivers because of the "unnecessary" duplication of paperwork and length of time anticipated for approval. Eight commenters noted safety hazards or added mailer costs involving banding of double-stacked pallets. Four commenters objected to the package placement requirements for copalletized mailings. Three others voiced negative reaction to the pallet top cap requirements in the proposed rule. Eighteen commenters responded to the proposal to prohibit placing qualifying carrier route mail and barcoded mail on the same 5-digit pallet, and a majority of the commenters recommended that the minimum pallet weight limit be set at 500 pounds to help offset the problems they believed this proposal would cause.

In consideration of these comments and since pallet make up and preparation requirements for second- and third-class mail already exist in DMM regulations, the Postal Service has determined to apply these existing requirements to the preparation of automation-compatible flat-size mailings, with the following changes. Qualifying carrier route presort flats may not be placed on the same 5-digit pallet with barcoded flats.

Because of this prohibition, the Postal Service also adopts a reduction in the minimum weight allowed for 5-digit pallets in a barcoded rate mailing from 650 pounds to 500 pounds.

Including carrier route mail on the same pallet with barcoded mail at the 5-digit level would severely impede efficient and timely processing of either mailing. The cost effectiveness of 5-digit pallets would be eroded because additional manual handlings and possibly additional transportation would be required to move the mail to its next processing point. However, to minimize the impact that the separation of these two pallet sortations will have on mailers' ability to create 5-digit pallets, this final rule adopts a minimum 5-digit pallet weight of 500 pounds for barcoded rate flat-size mailings.

Existing pallet preparation requirements do not provide for the palletization of First-Class mail and the decision to use existing requirements does not address preparation of First-Class Mail on pallets. Although the proposed rule did refer to the placement of First-Class Mail on pallets in a proposed DMM change, significant changes to the original proposal would be required to provide for such palletization. Therefore, the Postal Service has determined to withdraw that portion of the proposed rule dealing with the palletization of First-Class Mail for further consideration and possible future action.

Comments Concerning Documentation Requirements

Documentation Detailing Rate Eligibility—Although many comments received had relevance to the documentation issue, twenty-five of the comments received directly addressed the documentation requirements of the proposed rule. Fourteen of these stated that the documentation requirements

were too extensive, placing undue burdens upon the industry. Six commenters stated that the format illustrated in Exhibit 574 was too restrictive and did not provide the traditional flexibility mailers were used to in developing acceptable documentation to verify rate eligibility. Five commenters requested further clarification on the content and format of the documentation and of the Postal Service's announcement of attempts to standardize documentation requirements published in the proposed rule.

In addition to a properly completed mailing statement, certain information provided in paper form (hard copy) is necessary to allow verification of rate eligibility by sortation level in a given mailing. In addition, the Postal Service has determined that standardization of format and layout of data will benefit not only the verification process, but mailers as well who have previously requested the establishment of a universally acceptable document.

Nevertheless, upon further consideration of the comments concerning this issue, the Postal Service has determined that it can adopt in the final rule allowances for documentation prepared in different formats as long as the essential information is provided. DMM Exhibits 574A and B illustrate recommended formats, providing all necessary data. Mailers will not be required to copy the exact layout of the documentation illustrated in these Exhibits but will be required to provide all data elements shown, in a logical manner which can be as easily read and understood.

As clarification, existing second-class documentation requirements are not amended by this rule, although publishers who prepare ZIP+4 Barcoded rate flats will encounter new requirements to also document the number of flat-size ZIP+4 Barcoded mailpieces.

Prohibited Combinations on Mailing Statements—Twelve commenters expressed opinions on this portion of the proposed rule, generally requesting that the Postal Service reconsider the necessity of prohibiting carrier route and walk-sequence mailings from appearing on the same mailing statement with automation-based rate mailings given the amount of paperwork and systems modifications this requires.

Upon evaluation of the comments received and further consideration of the proposed rule, the Postal Service has amended provisions of the proposed rule to allow specific instances in which carrier route presort rate qualifying mail, including pieces mailed at walk sequence rates, and flats barcoded rate mail can be reported on the same mailing statement. This will reduce the number of mailing statements that must be submitted by mailers (and verified and processed by the Postal Service) when a mailing job includes both a carrier route presort mailing and a mailing eligible for the ZIP+4 Barcoded rates. Including these rate categories on the same mailing statement is only permissible provided the qualifying carrier route mailing is presented on pallets, is prepared as part of the same mailing job as the flats barcoded rate mailing reported on the mailing statement, and verification and postage payment for all the mailings in the job takes place at a single post office.

Availability of Trays for Flat-Size Mailpieces—Two commenters stated that the Postal Service should design and make available to mailers trays capable of accommodating flat-size mailpieces so mailers can enjoy the benefits of traying. Although noting that trays were not mentioned in the proposed rule, these commenters recommended that the Postal Service announce its intentions for future plans to provide trays for flat-size mail.

The Postal Service is engaged in an ongoing evaluation of this issue. Flats trays were not incorporated into the proposed rule because an acceptable cost-effective tray that can be mass-produced for mailers is not yet available. The Postal Service has been reviewing the design and construction of trays capable of accommodating flat-size mailpieces as well as their integration into current mail processing systems for several years. Trays will be permitted, if and when an acceptable solution can be found.

Equipment Deployment—One commenter recommended that the Postal Service publish an equipment deployment schedule of flat sorting machines with wide area barcode read capability, as well as one showing where barcode sack tag scanners are deployed.

The Postal Service has determined that difficulties in publishing and updating an equipment deployment schedule outweigh the benefits that may be derived from it. However, recognizing the substantial efficiencies to be gained both by mailers and internally by the Postal Service through implementation of this equipment in as many processing sites as quickly as practicable, the Postal Service will continue to pursue their rapid deployment.

In view of the above considerations, the Postal Service adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR 111.1).

Domestic Mail Manual Issue 44, September 20, 1992, will include these changes. Notice of issuance will be published in the **Federal Register** as provided by 39 CFR 111.3.

List of Subjects in 39 CFR Part 111

Postal Service.

Neva R. Watson,

Attorney, Legislative Division.

PART 111—[AMENDED]

1. The authority citation for part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

2. Make the following amendments to the Domestic Mail Manual:

CHAPTER 1—DOMESTIC MAIL SERVICES

* * * * *

120 Preparation for Mailing

* * * * *

[Change the title of Exhibit 122.63e as follows:] Area Distribution Center (ADC) Labeling List for Use with Presorted First-Class Mailings and First-Class ZIP+4 Barcoded Flat-Size Mailings.

* * * * *

124 NONMAILABLE MATTER—ARTICLES AND SUBSTANCES; SPECIAL MAILING RULES

* * * * *

124.4 Restricted Matter

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124.47 Odd-Shaped Items in Envelopes. [Revise the last sentence to read:] First-, second-, and third-class matter that is part of a mailing claimed at an automation-based rate (see 514.1) must meet the applicable requirements of 520.

* * * * *

128 PROCESSING CATEGORIES

128.1 General

128.11 Assignment. All mail is assigned to one of five processing categories based on the physical dimensions of the mailpiece, regardless of the placement (orientation) of the delivery address on the mailpiece. The five categories are:

a. Letter size.
b. Flat size.
c. Machinable parcels.
d. Irregular parcels.
e. Outside parcels.

128.12 Mailings. Unless permitted by regulation, any mailing at other than the

single-piece First-, third-, or fourth-class rates may not contain pieces from more than one processing category.

128.2 Letter-Size

Except as provided by 128.32, letter-size mail has the following dimensions:

* * * * *

128.3 Flat-Size

128.31 General Definition. [Text of existing 128.3; add the following to the beginning of the section:] Except as provided by 128.32, flat-size mail * * *

* * * * *

128.32 Automation-Compatible Flat-Size Mail. For determining eligibility for ZIP+4 Barcoded rates, based on compatibility with specific mail processing equipment, "automation-compatible flat-size mail" is defined as all mail meeting the dimensional criteria in 522.

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CHAPTER 3—FIRST-CLASS MAIL

310 Rates and Fees

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312 NONPRESORTED BULK RATES

312.1 Nonpresorted ZIP+4 Rate

312.11 Cards.

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312.12 Letter-Size Mail Other Than Cards

312.121 Rate Application. Subject to the eligibility requirements in 327, the nonpresorted ZIP+4 rates in 312.122 apply to letter-size pieces (other than cards eligible for the card rate) and to letter-size cards that exceed the dimensions in 311.122 and 322.

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312.13 Flat-Size Mail. None.

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312.2 Nonpresorted ZIP+4 Barcoded Rate

312.21 Cards.

* * * * *

312.22 Letter-Size Mail Other Than Cards. None.

312.23 Flat-Size Mail.

312.231 Rate Application. The nonpresorted ZIP+4 Barcoded rates in 312.232 apply to flat-size mail meeting the requirements of 328.

312.232 Rates.

First ounce or fraction of an ounce..... $0.267
Each additional ounce or fraction of an ounce..... 0.230

Weight not exceeding (ounces)	Rate
1	$0.267
2	.497
3	.727
4	.957
5	1.187
6	1.417
7	1.647
8	1.877
9	2.107
10	2.337
11	2.567

313 PRESORTED BULK FIRST-CLASS RATES

313.1 General

313.11 Cards. To be eligible for the presorted First-Class rates for cards in 313.221, 313.321, 313.621, 313.721, and 313.821, each postal card or postcard must meet the requirements of 311.11 and 322 in addition to the applicable requirements of the particular rate. Letter-size cards that exceed the dimensions in 311.112 are subject to the rates for letter-size mail other than cards in 313.222, 313.322, 313.622, 313.722, and 313.822 and the applicable requirements of the particular rate.

* * * * *

313.5 3/5-Digit ZIP+4 Barcoded Rate for Flat-Size Mail

313.51 Rate Application. The 3/5-digit ZIP+4 Barcoded rates in 313.52 apply to flat-size mail meeting the requirements of 325.

313.52 Rates.

First ounce or fraction of an ounce
(For piece weighing not more than 2 ounces)..... $0.233
(For piece weighing more than 2 ounces)..... .191
Each additional ounce or fraction of an ounce..... .230

Weight not exceeding (ounces)	Rate
1	$0.233
2	.463
3	.651
4	.881
5	1.111
6	1.341
7	1.571
8	1.801
9	2.031
10	2.261
11	2.491

313.6 ZIP+4 Presort Rates

313.61 Rate Application. The ZIP+4 Presort rates in 313.62 apply to cards and letter-size pieces that meet the requirements in 324.

313.62 Rates.

* * * * *

313.622 Letter-Size Mail Other Than Cards.

* * * * *

313.7 3-Digit ZIP+4 Barcoded Rates

313.71 Rate Application. The 3-digit ZIP+4 Barcoded rates in 313.72 apply to cards and letter-size pieces that meet the requirements in 325.

313.72 Rates.

* * * * *

313.722 Letter-Size Mail Other Than Cards.

* * * * *

313.8 5-Digit ZIP+4 Barcoded Rates

313.81 Rate Application. The 5-digit ZIP+4 Barcoded rates in 313.82 apply to cards and letter-size pieces that meet the requirements in 325.

313.82 Rates.

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313.822 Letter-Size Mail Other Than Cards.

* * * * *

315 FEES AND SURCHARGES

315.1 Nonstandard Surcharge

315.12 Pieces Mailed at the Single-Piece Rates. [Insert the following at the end of the sentence] "* * * and 312.23."

* * * * *

315.13 Presorted Bulk First-Class Rates. A surcharge of $0.05 is assessed on each piece of nonstandard First-Class Mail mailed at a presort rate (Presorted First-Class, Carrier Route, 3/5 ZIP+4 Barcoded rate for flats). Pieces that would be subject to a surcharge under 315.11 are not eligible for any ZIP+4 Presort or ZIP+4 Barcoded rates for letters.

* * * * *

320 Classification

* * * * *

324 ZIP+4 PRESORT FIRST–CLASS MAIL (LETTER–SIZE MAIL ONLY)

* * * * *

324.5 Physical Mailpiece Requirements.

324.51 Basic Requirement. Each piece in the mailing must be letter-size and meet the requirements in 521 and 540.

* * * * *

324.8 Postage Payment and Documentation. Postage for ZIP+4 Presort mailings must be paid as specified in 382. Documentation must be submitted with each ZIP+4 Presort mailing as described in 365, 366, or 560, as applicable.

* * * * *

324.9 Markings

Each piece must be marked as specified in 362.5.

* * * * *

325 ZIP+4 BARCODED (PRESORTED) MAIL

325.1 General

325.11 Description.

325.111 Definitions (Cards and Letter-Size Mailpieces Only).

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325.112 Eligibility—Cards and Letter-Size Mailpieces.

* * * * *

325.113 Eligibility—Flat-Size Mailpieces.

a. Pieces Bearing ZIP+4 or Delivery Point Barcode. Pieces that bear the correct and properly prepared ZIP+4 or delivery point barcode and that meet the requirements of 325.2 through 325.9 qualify for either the 3/5 ZIP+4 Barcoded rate or the nonpresorted ZIP+4 Barcoded rate (for flat-size mailpieces), depending on the level of presort (see 325.14).

b. Pieces Bearing 5-Digit Barcode. Pieces that bear the correct and properly prepared 5-digit barcode and that meet the requirements of 325.2 through 325.9 qualify for either the Presorted First-Class rate or single-piece First-Class rate, depending on the level of presort (see 325.14).

c. Prohibited Pieces. Pieces that do not bear the correct and properly prepared ZIP+4, delivery point, or 5-digit barcode, as well as pieces that do not meet the eligibility requirements of 325.2 through 325.9, must not be included in a mailing of flat-size pieces claimed at the 3/5 ZIP+4 Barcoded rate or the nonpresorted ZIP+4 Barcoded rate (for flat-size mailpieces).

325.12 Applicable Rates by Sortation Category for National Mailings of Cards and Letter-Size Mailpieces.

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325.13 Applicable Rates by Sortation Category for Automated Site Mailings of Cards and Letter-Size Mailpieces.

* * * * *

325.14 Applicable Rates for Mailings of Flat-Size Mailpieces.

325.141 ZIP+4 Barcoded or Delivery Point Barcoded Mailpieces. Subject to the general eligibility requirements in 325.113, a ZIP+4 barcoded or delivery point barcoded flat-size mailpiece prepared under 572 and 573 can qualify for the following:

a. 3/5 ZIP+4 Barcoded Rate if part of a group of 10 or more addressed pieces prepared in 5-digit packages and sacked to a 5-digit, 3-digit, SCF, or ADC destination;

b. 3/5 ZIP+4 Barcoded Rate if part of a group of 50 or more addressed pieces (excluding those prepared in 5-digit packages) prepared in 3-digit packages and placed in a 3-digit, SCF, or ADC sack;

c. Nonpresorted ZIP+4 Barcoded Rate—(for automated flat-size mailpieces) if prepared in SCF packages placed in an SCF or ADC sack or prepared in residual packages and placed in a residual sack.

325.142 5-Digit Barcoded Mailpieces. Subject to 325.113, a 5-digit barcoded flat-size mailpiece prepared under 572 and 573 can qualify for the:

a. Presorted First-Class Rate if part of a group of 10 or more addressed pieces prepared in 5-digit packages and sacked to a 5-digit, 3-digit, SCF, or ADC destination, or if part of a group of 50 or more addressed pieces (excluding those prepared in 5-digit packages) prepared in 3-digit packages and placed in a 3-digit, SCF, or ADC sack.

b. Single-piece First-Class Rate if prepared in SCF packages placed in SCF or ADC sacks or prepared in residual packages and placed in a residual sack.

* * * * *

325.3 ZIP+4 Barcoding and Addressing Requirements

325.31 Cards and Letter-Size Mailpieces. [Text of existing 325.3; add the following to the end of the section:] Pieces bearing a 5-digit barcode must meet the requirements of 552.

325.32 Flat-Size Mailpieces. Regardless of presort level or rate, at least 85% of the pieces in each flat-size barcoded rate mailing must bear the correct ZIP+4 or delivery point barcode, prepared under 551, representing information specified in 530. All remaining pieces must bear the correct 5-digit barcode for the delivery address, prepared under 552. The address on each piece (regardless of barcode) must contain the correct numeric 5-digit ZIP Code, ZIP+4 code, or the correct numeric equivalent to the delivery point barcode (see 515.3). See 575.2 for application of the 85% requirement to a mailing job instead of to individual mailings within a mailing job.

* * * * *

[Delete 325.5; renumber 325.6 through 325.9 as 325.4 through 325.7; no changes in text other than as shown below.]

325.4 Physical Requirements

325.41 Cards and Letter-Size Mailpieces. Each piece in the mailing must meet the applicable physical requirements in 521.

325.42 Flat-Size Mailpieces. Each piece in the mailing must meet the physical requirements in 522.

* * * * *

325.6 Presort

325.61 Cards and Letter-Size Mailpieces. [Text of existing (renumbered) 325.6.]

325.62 Flat-Size Mailpieces. All pieces in the mailing must be presorted together to the finest extent as prescribed in 572 and 573.

325.7 Postage Payment and Documentation

325.71 Postage Payment. Postage for ZIP+4 Barcoded rate mailings must be paid under 382.

325.72 Documentation.

325.721 Cards and Letter-Size Mailpieces. [Text of existing (renumbered) 325.7. Change "364.4" to "364.2 or 364.4 as applicable."].

325.722 Flat-Size Mailpieces. Documentation must accompany the mailing as specified in 574 or 575.

* * * * *

327 NONPRESORTED ZIP+4 MAIL (LETTER-SIZE MAIL ONLY)

* * * * *

327.3 Mailpiece Characteristics

[Revise the beginning of the first sentence to read:] Each piece in the mailing must meet the physical requirements for letter-size mailpieces in 521 and * * *

* * * * *

328 NONPRESORTED ZIP+4 BARCODED MAIL

328.1 Eligibility

Pieces that bear the correct ZIP+4 or delivery point barcode prepared under 551, and that meet the requirements of 328.2 through 328.5, qualify for the nonpresorted ZIP+4 Barcoded rate. Remaining pieces qualify for the single-piece First-Class rate.

328.2 Minimum Quantity

328.21 Per Mailing. [Text of existing 328.1.].

328.22 Barcoding

328.221 Cards. [Text of existing 328.2, except add "prepared as specified in 551" to the end of the first sentence, and add the following to the end of the section:] Five-digit barcodes must meet the requirements of 552.

328.222 Flat-Size Mailpieces. At least 85% of the pieces in the mailing must bear the correct ZIP+4 or delivery point barcode, prepared under 551, representing information specified in 530 (except as specified in 575.2). All remaining pieces must bear the correct 5-digit barcode for the delivery address on the piece, prepared under 552. The

address on each piece (regardless of barcode) must contain either the correct numeric 5-digit ZIP Code, ZIP+4 code, or the correct numeric equivalent to the delivery point barcode (see 515.3).

328.3 Mailpiece Characteristics

328.31 Physical Requirements.

328.311 Cards. [Text of existing 328.31. Change the sentence in parenthesis to read as follows:] "(The nonpresorted ZIP+4 Barcoded rate for letter-size mailing is available only for cards.)"

328.312 Flat-Size Mailpieces. Each piece in the mailing must meet the requirements of 522.

[Delete existing 328.32; redesignate existing 328.33 as 328.32.]

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328.4 Preparation

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328.43 Traying or Sacking.

328.431 Cards. Each piece in the mailing must be trayed in accordance with 368.2.

328.432 Flat-Size Mailpieces. Each piece in the mailing must be packaged and sacked as required by 572 and 577.

328.5 Postage Payment and Documentation

328.51 Postage Payment. Postage for nonpresorted ZIP+4 Barcoded rate mailings must be paid as specified in 382.

328.52 Documentation.

328.521 Cards. [Text of existing (renumbered) 328.5.].

328.522 Flat-Size Mailpieces. Documentation must accompany the mailing as specified in 577.

* * * * *

340 Authorizations and Permits

341 ANNUAL PRESORT FEE

[Insert "3/5 ZIP+4 Barcoded First-Class (for flat-size mailpieces)" after "5-digit ZIP+4 Barcoded First-Class."]

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350 Physical Limitations

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352 SIZE LIMITS

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352.2 Shape, Ratio, and Sealing

352.21 Standards.

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c. [Revise the beginning of the first sentence to read:] "Except for automation-compatible flat-size mailpieces (see 522.133)."* * * * *

* * * * *

352.3 Automation Capability

Pieces claimed at an automation-based rate must also meet the physical requirements for automation compatibility in 521 or 522, as applicable.

353 NONSTANDARD FIRST-CLASS MAIL

* * * * *

353.3 Surcharge

Nonstandard First-Class Mail is subject to a surcharge as specified in 315.1.

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360 Preparation

361 ADDRESSING

* * * * *

361.6 ZIP+4 Barcoded First-Class Mail

361.61 Cards and Letter-Size Mailpieces. [Text of existing 361.6.]

361.62 Flat-Size Mailpieces. The address on each piece in the mailing must contain the correct numeric 5-digit ZIP Code or ZIP+4 code, or the correct numeric equivalent to the delivery point barcode (see 515.5). As specified in 325.32 and 328.222, each piece must also bear either the correct ZIP+4 or delivery point barcode, prepared under 551 representing information specified in 530, or the correct 5-digit barcode for the delivery address on the piece, prepared under 552.

362 MARKING

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362.6 ZIP+4 Barcoded (Presort) First-Class Mail.

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364 ZIP+4 BARCODED LETTER-SIZE FIRST-CLASS MAIL

364.1 National Mailings—Presort Requirements

364.11 General. [Revise the first sentence as follows:] ZIP+4 Barcoded rate national mailings (as defined in 325.111a), claimed at the rates described in 325.12, must consist of letter-size mailpieces (including cards) packaged and trayed under 364.11 through 364.16, or 364.14 through 364.16, as applicable.

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365 ZIP+4 PRESORT FIRST-CLASS MAIL—NATIONAL MAILINGS (LETTER-SIZE MAIL ONLY)

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365.16 Automation Compatibility. [Change the reference in the first sentence from 520 to 521.]

* * * * *

366 COMBINED LETTER-SIZE PRESORT MAILINGS DESTINATING AT AUTOMATED SITES

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366.16 Automation Compatibility. [Change the reference in the first sentence from 520 to 521.]

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380 Payment of Postage

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382 CARRIER ROUTE FIRST-CLASS, PRESORTED FIRST-CLASS, AND ALL ZIP+4 AND ZIP+4 BARCODED RATES

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382.2 Exact Postage on Each Piece

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382.23 ZIP+4 Barcoded (Presort) Rates—Letter-Size Mailpieces.

* * * * *

[Renumber existing 382.24 and 382.25 as 382.25 and 382.26, respectively; add new 382.24 as follows:]

382.24 ZIP+4 Barcoded (Presort) Rates—Flat-Size Mailpieces. When meter or precanceled stamps are used, flat-size mailpieces in mailings prepared under 570 that qualify for the 3/5 ZIP+4 Barcoded rate, the nonpresorted ZIP+4 Barcoded rate (for flat-size mailpieces), the Presorted First-Class rate, or the single-piece First-Class rate must bear the correct postage at the corresponding rate. If the appropriate denominations of precanceled stamps are not available, mailers may affix a nondenominated precanceled stamp or precanceled stamps with a total value less than the applicable rate, following the procedures in 382.315b.

* * * * *

382.3 Postage at the Lowest Rate in the Mailing Affixed to All Pieces in the Mailing

382.31 Identical Pieces.

* * * * *

382.314 ZIP+4 Barcoded (Presort) Rate Mailings—Letter-Size Mailpieces.

* * * * *

[Renumber existing 382.315 and 382.316 as 382.316 and 382.317, respectively; add new 382.315 as follows:]

382.315 ZIP+4 Barcoded (Presort) Rate Mailings—Flat-Size Mailpieces.

a. General Rule. When all pieces in a mailing of identical-weight flat-size pieces prepared under 570 have meter or precanceled postage affixed, each piece may bear the correct postage at the 3/5 ZIP+4 Barcoded rate provided the applicable documentation requirements in 574 or 575 are met. Additional postage

for pieces qualifying for the nonpresorted ZIP+4 Barcoded rate (for flat-size mailpieces), the Presorted First-Class rate, or the single-piece First-Class rate, as shown in the documentation required by 574.3 or 575, must be paid either by a meter strip affixed to the mailing statement accompanying the mailing, or through an advance deposit account as provided in Handbook F–1, 524.

b. Procedure if Appropriate Precanceled Stamp is Not Available. [Duplicate text of existing 382.314b(2)(c), except change cites from "564.62" to "574.3 or 575."]

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382.33 Nonidentical Pieces at All ZIP+4 and ZIP+4 Barcoded rates.

* * * * *

382.332 ZIP+4 Barcoded (Presort) Rate Mailings—Letter-Size Mailpieces

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[Renumber existing 382.333 and 382.334 as 382.334 and 382.335, respectively; add new 382.333 as follows:]

382.333 ZIP+4 Barcoded (Presort) Rate Mailings—Flat-Size Mailpieces

a. General Rule. When all pieces in a mailing of nonidentical-weight flat-size pieces prepared under 570 have meter or precanceled postage affixed, each piece may bear the correct postage at the 3/5 ZIP+4 Barcoded rate provided the applicable documentation requirements in 574 are met. Additional postage for pieces qualifying for the nonpresorted ZIP+4 Barcoded rate (for flat-size mailpieces), the Presorted First-Class rate, or the single-piece First-Class rate, as shown in the documentation required by 574.3 or 575, must be paid either by a meter strip affixed to the mailing statement required to accompany the mailing, or through an advance deposit account as provided in Handbook F–1, 524.

b. Procedure if Appropriate Precanceled Stamp is Not Available. [Duplicate text of existing 382.332b(2)(c), except change cites from "564.62" to "574.3 or 575."]

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382.6 ZIP+4 Barcoded Rate Letter-Size Combined Mailings With Different Postage Payment Methods

382.61 General. * * *

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c. Each piece in the combined mailings meets the physical requirement of 521.

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CHAPTER 4—SECOND-CLASS MAIL

410 Rates and Fees

411 Rates

411.1 Characteristics Common to All Rates

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411.12 Eligibility

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411.125 ZIP+4 Rates. [Add to the beginning of the existing text:] ZIP+4 rates are available only for letter-size mailpieces meeting the physical requirements of 521. * * *

[At the end of what becomes the second sentence, replace "440" with "440 (or 560)."]

411.126 ZIP+4 Barcoded Rates. [Replace the first sentence with the following:] The ZIP+4 Barcoded rates include a discount applied per addressed piece. The ZIP+4 Barcoded rates are available only for letter-size (128.2) and flat-size (128.32) mailpieces prepared under 424.6, and meeting the physical requirements of 521 and 522, respectively, and the applicable level A/G, B3/H3/J3, and B5/H5/J5 sortation for letter-size or flat-size mailpieces in 440 (or 560) and 570, respectively.

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411.2 Regular Rates

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411.23 Piece Rates. Each piece rate requires specific preparation as described in 411.113, 411.114, and 411.12. Rates per addressed piece are:

L	Regular V (All pcs.) L	ZIP+4 (Letter-size only)	ZIP+4 Barcoded (Letter-size only)	ZIP+4 Barcoded (Flat-size only)
A	$0.201	$0.192	$0.182	$0.178
B3	0.158	.154	.147	.143
B5	0.158	.154	.139	.143
C1	0.119	n/a	n/a	n/a
C2	0.114	n/a	n/a	n/a
C3	0.104	n/a	n/a	n/a

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411.3 Preferred Rates

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411.32 In-County Rates.

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411.326 Piece Rates. Each piece rate requires specific preparation as described in 411.113, 411.114, and 411.12. Rates per addressed piece are:

L	Regular V (All Pcs.) L	ZIP+4 (Letter-size only)	ZIP+4 Barcoded (Letter-size only)	ZIP+4 Barcoded (Flat-size only)
J1	$0.077	$0.077	$0.077	$0.077
J3	0.077	.073	.073	.062
J5	0.077	.073	.060	.062
K1	0.040	n/a	n/a	n/a
K2	0.035	n/a	n/a	n/a
K3	0.033	n/a	n/a	n/a

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411.33 Special Nonprofit Rates.

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411.333 Piece Rates. Each piece rate requires specific preparation as described in 411.113, 411.114, and 411.12. Rates per addressed piece are:

L	Regular V (All pcs.) L	ZIP+4 (Letter-size only)	ZIP+4 Barcoded (Letter-size only)	ZIP+4 Barcoded (Flat-size only)
G	$0.169	$0.162	$0.152	$0.146
H3	0.126	.122	.116	.111
H5	0.126	.122	.109	.111
I1	0.088	n/a	n/a	n/a
I2	0.086	n/a	n/a	n/a
I3	0.081	n/a	n/a	n/a

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411.34 Classroom Rates

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411.343 Piece Rates. Each piece rate requires preparation as described in 411.113, 411.114, and 411.12. Rates per addressed piece are:

L	Regular V (All pcs.) L	ZIP+4 (Letter-size only)	ZIP+4 Barcoded (Letter-size only)	ZIP+4 Barcoded (Flat-size only)
G	$0.169	$0.162	$0.152	$0.146
H3	0.126	.122	.116	.111
H5	0.126	.122	.109	.111
I1	0.088	n/a	n/a	n/a
I2	0.086	n/a	n/a	n/a
I3	0.081	n/a	n/a	n/a

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411.35 Science of Agriculture Rates.

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411.353 Piece Rates. Each piece rate requires specific preparation as described in 411.113, 411.114, and 411.12. Rates per addressed piece are:

L	Regular V (All pcs.) L	ZIP+4 (Letter-size only)	ZIP+4 Barcoded (Letter-size only)	ZIP+4 Barcoded (Flat-size only)
A	$0.201	$0.192	$0.182	$0.178
B3	0.158	.154	.147	.143
B5	0.158	.154	.139	.143

L	Regular V (All pcs.) L	ZIP+4 (Letter-size only)	ZIP+4 Barcoded (Letter-size only)	ZIP+4 Barcoded (Flat-size only)
C1	0.119	n/a	n/a	n/a
C2	0.114	n/a	n/a	n/a
C3	0.104	n/a	n/a	n/a

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420 Classification

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424 ADDITIONAL ELIGIBILITY REQUIREMENTS FOR SPECIFIC RATES

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424.5 ZIP+4 Rates (Letter-Size Only)

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424.52 Automation Compatibility. [Change the reference cited "520 through 540" to "521, 530, and 540."]

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424.6 ZIP+4 Barcoded Rates

424.61 General. The ZIP+4 Barcoded rates, available for letter- and flat-size publications, include a discount applied to each addressed piece prepared under with 424.62 through 424.64 and the applicable level A/G/J or B/H sortation requirements in 440 or 560 (for letter-size mailpieces) or 570 (for flat-size mailpieces). All ZIP+4 Barcoded rate (discount) is not available for level C/I/K presorted mailpieces.

424.62 Automation Compatibility Requirements. Each piece for which a ZIP+4 Barcoded rate is claimed must meet the applicable physical requirements (see 521 for letter-size mailpieces and 522 for flat-size mailpieces) and must bear the correct ZIP+4 or delivery point barcode prepared under 530 and 550.

424.63 Minimum Quantity.

424.631 Per Mailing.

a. General. There is no specific minimum number of pieces required for a ZIP+4 Barcoded rate second-class mailing. However, at least 85% of the addressed pieces in each ZIP+4 Barcoded rate mailing must bear the correct ZIP+4 or delivery point barcode. All pieces in a ZIP+4 Barcoded rate mailing, regardless of presort level or rate, must meet the applicable requirements of 520, 530, and 550, and the address on each piece in the mailing must contain the correct numeric 5-digit ZIP Code, ZIP+4 Code, or the correct numeric equivalent to the delivery point barcode.

b. Additional Requirements for Flat-Size Pieces. Each piece in a ZIP+4 Barcoded rate mailing of flat-size mailpieces that does not bear the correct ZIP+4 barcode or delivery point barcode (see 424.631) must bear the correct 5-digit barcode for the delivery address on the piece, prepared as specified in 552. Nonbarcoded mailpieces must not be included in a ZIP+4 Barcoded rate mailing of flat-size mailpieces.

424.632 Per Package, Sack, and Tray.

a. Letter-Size Mailpieces. [Text of existing 424.632.]

b. Flat-Size Mailpieces. Each package must contain at least six addressed pieces if claimed at a level B/H/J3/J5 rate; no minimum package size applies to pieces claimed at the level A/G/J1 rates. Each sack must contain at least one package of at least six addressed pieces if that mail is claimed at a level B/H/J3/J5 rate; no minimum applies to sacks containing mail claimed at the level A/G/J1 rates.

424.64 Preparation.

424.641 Presort.

a. Letter-Size Mailpieces. [Text of existing 424.641; replace "441 or 443" with "441, 443, 447, or 560."]

b. Flat-Size Mailpieces. All pieces must be presorted together as required by 572, 573.1, and either 573.2 or 576.

424.642 Packaging, Sacking, Traying, and Palletization.

a. Letter-Size Mailpieces. [Text of existing 424.642; replace "447" with "441, 443, 447, or 560."]

b. Flat-Size Mailpieces. All pieces must be packaged as required by 572 and 573.1, and either sacked as required by 573.2 or palletized as required by 576).

424.65 Rate Eligibility—Letter Size Mailpieces.

[Text of existing 424.643; renumber subsections accordingly.]

424.66 Rate Eligibility—Flat Size Mailpieces.

a. General. Rate eligibility for ZIP+4 Barcoded flat-size mailings is determined by the sortation level of the package in which a mailpiece is placed, regardless of the destination of the sack or pallet to which that package is subsequently sorted. Flat-size mailpieces claimed at a flats barcoded rate cannot be combined on 5-digit pallets with other mailpieces at a carrier route or walk-sequence rate (see 576.42).

b. Flats ZIP+4 Barcoded or Delivery Point Barcoded Mailpieces. Subject to the general eligibility requirements in 424.61 through 424.64, a ZIP+4 barcoded or delivery point barcoded flat-size mailpiece prepared under 573 or 576 can qualify for one of the following:

(1) B5/H5/J5 Flats ZIP+4 Barcoded rate if placed in a 5-digit package containing six or more addressed pieces and sacked or palletized to a 5-digit, optional multicoded city, 3-digit, SCF, or SDC destination.

(2) B3/H3/J3 Flats ZIP+4 Barcoded rate if placed in an optional multicoded city or unique 3-digit package containing six or more addressed pieces and sacked or palletized to an optional multicoded city, 3-digit, SCF, or SDC destination.

(3) A/G/J1 Flats ZIP+4 Barcoded rate if placed in a package containing fewer than six addressed pieces, or in a nonunique 3-digit, SCF, or residual package.

c. 5-Digit Barcoded Mailpieces. Subject to the general eligibility requirements in 424.61 through 424.64, a 5-digit barcoded flat-size mailpiece prepared under 573 or 576 can qualify for one of the following:

(1) B5/H5/J5 or B3/H3/J3 presort rate if placed in a 5-digit, optional multicoded city, or unique 3-digit package containing six or more addressed pieces that is in turn sacked or palletized to a 5-digit, optional multicoded city, 3-digit, SCF, or SDC destination.

(2) A/G/J1 presort rate if placed in a package containing fewer than six addressed pieces or in a nonunique 3-digit, SCF, or residual package.

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429 MAILPIECE CHARACTERISTICS

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429.2 External Characteristics

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429.21 Physical Limitations. [Add the following to the end of the last sentence:] "(See 520 for automation-compatibility)."

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445 BUNDLING AND PALLETIZING

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445.2 Packages and Bundles Presented on Pallets

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445.22 Package Preparation.

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445.223 Sortation.

a. [Change the end of the first sentence as follows:] "444.21, 444.22, 573.122, 573.13, 573.142, 573.152, and 573.16." [Add the following at the end of section a.] "Preparation of SCF packages is required for barcoded rate flat-size mailings presented on pallets (see 573.152)"

* * * * *

445.224 Package Labels. [Change the first sentence to read as follows:] "Mailers must label packages with either pressure-sensitive labels as

provided in 441.21, 443.22, 444.221, and 572.441, optional endorsement lines as provided in 444.24c or 572.442," or facing slips as provided in 573.16 and 573.27 (for residual packages in a flat-size barcoded rate mailing).

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445.24 Pallet Preparation.

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445.241 Weight and Volume.

a. [Add the following at the end of this section.] "The minimum mail load for 5-digit pallets prepared under 576 as a barcoded rate flat-size mailing is 500 pounds."

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445.243 Labels.

* * * * *

d. Additional Information. [Add the following at the end of the current section:] "Pallets containing automation-compatible flat-size mailpieces prepared under 576 must show the word BARCODED on the contents line of the pallet label. Pallets containing copalletized ZIP+4 Barcoded rate and carrier route presort rate mailings prepared under 576.4 must show the words BARCODED/CARRIER ROUTES (or its authorized abbreviation CAR RTS) on the contents line of the pallet label. The word BARCODED must not be abbreviated on the contents line.

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445.323 Sortation.

a. [Change the end of the first sentence as follows:] "444.21, 444.22, 573.122, 573.13, 573.142, 573.152 and 573.16 as applicable for the rates claimed." [Add the following at the end of section a.] "Preparation of SCF packages is required for automation-compatible flat-size mail presented on pallets (see 576.3)"

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445.324 Package Labels. [Change the first sentence to read as follows:] "Mailers must label packages with either pressure-sensitive labels as provided in 441.21, 443.22, 444.221, and 572.441, optional endorsement lines as provided in 444.24c or 572.442," or facing slips as provided in 573.27 (for residual packages in a flat-size barcoded rate mailing).

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445.343 Labels.

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d. Additional Information. [Add the following at the end of the current section:] "Pallets containing automation-compatible flat-size mailpieces prepared under 576 must show the word BARCODED on the contents line of the pallet label. Pallets containing copalletized ZIP+4 Barcoded rate and carrier route presort rate mailings prepared under 576.4 must show the words BARCODED/CARRIER ROUTES (or its authorized abbreviation CAR RTS) on the contents line of the pallet label. The word BARCODED must not be abbreviated on the contents lines.

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445.4 Palletizing Sacks

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445.42 Package Preparation. [Change the end of the sentence to read as follows:] "* * * 444.21, 444.22, and 572.4."

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445.43 Sack Preparation.

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445.433 Sack Sortation [Change the end of the first sentence to read as follows.] ". . . 444.32 and 573.2."

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445.44 Pallet Preparation.

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445.441 Weight and Volume.

a. [Add the following at the end of this section.] "The minimum mail load for 5-digit pallets prepared under 576 is 500 pounds.")

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445.443 Labels.

* * * * *

d. Additional Information. [Add the following at the end of the current section.] "Pallets containing automation-compatible flat-size mailpieces prepared under 576 must show the word BARCODED on the contents line of the pallet label. Pallets containing copalletized ZIP+4 Barcoded rate and carrier route presort rate mailings prepared under 576.4 must show the words BARCODED/CARRIER ROUTES (or its authorized abbreviation CAR RTS) on the contents line of the pallet label. The word BARCODED must not be abbreviated on the contents line.

* * * * *

CHAPTER 5—AUTOMATION-COMPATIBLE MAIL

510 General

511 CONTENT

This chapter contains the physical, addressing, and barcoding requirements for cards and letter- and flat-size mailpieces eligible for the automation-based rates detailed in 313, 411, and 611. This chapter also presents the preparation requirements for automation-compatible flat-size mailpieces (see 570), and alternative preparation requirements for automation-compatible cards and letter-size mailpieces (see 560).

* * * * *

513 PREPARATION REQUIREMENTS

513.1 Alternative Preparation Requirements for Cards and Letter-Size Mailpieces.

[Text of existing 513.]

513.2 Preparation Requirements for Flat-Size Mailpieces

All automation-based rate mailings of flat-size mailpieces (as defined in 128.32) must be prepared as specified in 572, 573.1 and either 573.2 or 576.

514 DEFINITIONS

514.1 Automation-Based Rates

514.11 ZIP+4 Barcoded Rates.

514.111 Cards and Letter-Size Mailpieces.

[Revise the beginning of the existing text to read:] The ZIP+4 Barcoded rates for cards and letter-size mailpieces include . . .

* * * * *

514.112 Flat-Size Mailpieces. The ZIP+4 Barcoded rates for flat-size mailpieces include the 3/5 ZIP+4 Barcoded and nonpresorted ZIP+4 Barcoded First-Class rates; the level A, B, G, H, and J ZIP+4 Barcoded second-class rates; and the 3/5 ZIP+4 Barcoded and Basic ZIP+4 Barcoded third-class rates.

* * * * *

516 [RESERVED]

517 [MAILING]

[Text of existing 570.]

520 Physical Requirements for All Pieces in Automation-Based Rate Mailings

521 CARDS AND LETTER-SIZE MAILPIECES

[Redesignate existing sections 521.1 through 521.5 as 521.11 through 521.15; renumber subsections accordingly; no change in text. Renumber existing 522 through 527 as 521.2 through 521.7; renumber subsections accordingly; no change in text, except retitle new 521.6 as Flexibility of Letter-Size Mailpieces.]

522 FLAT-SIZE MAILPIECES

522.1 Physical Characteristics

522.11 Size.

522.111 Length. For purposes of automation compatibility, the length (horizontal dimension) of a flat-size mailpiece must be at least 6 inches but not more than 15 inches (see 128.32 and 522.113).

522.112 Height. For purposes of automation compatibility, the height (vertical dimension) of a flat-size mailpiece must be at least 6 inches but

not more than 12 inches (see 128.32 and 522.113).

522.113 Determination of Length and Height.

a. Address Orientation. For purposes of barcode rate eligibility, the length and height of flat-size pieces are not determined based on the orientation of the address.

b. Single-sheet and Enveloped Mailpieces. For flat-size mailpieces prepared as single-sheets or in envelopes, full-length wrappers, or full-length sleeves, the length is the longest dimension; the height is the dimension perpendicular to the length.

c. Folded and Bound Mailpieces. For flat-size pieces (such as self-mailers, magazines, newsletters, and folded envelopes) that have a bound or folded edge, the height is the dimension parallel to the bound or folded edge; the length is the dimension that is perpendicular to the height. If the piece is folded more than once or bound and then folded, the height of the mailpiece is based on the final fold. Flat-size pieces with a final fold must be designed so that the address is in view when the final folded edge is to the right and any intermediate bound or folded edge is at the bottom.

522.114 Aspect Ratio. There is no aspect ratio requirement used in determining the automation-compatibility of flat-size mailpieces.

522.115 Thickness. A flat-size mailpiece must be at least 0.009 inch but not more than 0.75 inch thick.

522.116 Preferred Address Location

a. Pieces with Only Closed or Sealed Edges. The preferred address location for single-sheet mailpieces and those prepared in envelopes, full-length wrappers, or full-length sleeves is the center of the address side.

b. Other Mailpieces. For folded and bound mailpieces not prepared in an envelope, full-length wrapper, or full-length sleeve, the preferred address location is parallel to either edge of the upper right corner when the bound edge of final fold is to the right (see Exhibit 429.3).

522.12 Shape. Each piece in the mailing must be rectangular in shape.

522.13 Weight. The weight of each piece in a First-Class mailing must not exceed 11 ounces. The weight of each piece in a second- or third-class mailing must be less than 16 ounces.

522.14 Prohibitions.

522.141 Wrappings. Polywrapped, polybagged, or shrinkwrapped mailpieces are not acceptable in a mailing claimed at an automation-based rate.

Note: The Postal Service is evaluating suitable materials for automation-compatibility. As soon as such materials can be identified, the Postal Service will announce changes to this prohibition.

522.142 Closures.

a. Clasps, String, Buttons. Clasps, string, buttons, or like materials must not be affixed to mail claimed at an automation-based rate. Other protrusions that impede or damage mail processing equipment are also prohibited.

b. Staples. Staples must not be used as a substitute for tabs or wafer seals on mail claimed at an automation-based rate. As a method of binding, staples may be placed in the fold or spine of a magazine or booklet-type or similar mailpiece if parallel with the bound edge, tightly and securely inserted, and not protruding so as to damage or interfere with automated processing equipment.

522.15 Tabs, Wafer Seals, Tape, and Glue

522.151 Noninterference. Tabs, wafer seals, tape, or glue must not interfere with recognition of postage information, rate markings, the delivery or return addresses, or the barcode. If any part of the barcode is printed on a tab or wafer seal, that tab or wafer seal must meet the background reflectance criteria in 551.4.

522.152 Adhesion Requirements. [Copy text of existing 521.53.]

522.153 Cellophane Tape. Subject to 522.151, cellophane tape may be used as the closure for a flat-size mailpiece, but it may not be placed over the barcode or where the barcode will be printed. No part of the barcode may be printed on cellophane tape.

522.154 Glue. [Copy text of existing 521.55.].

522.16 Flexibility and Rigidity

522.161 Flexibility. A flat-size mailpiece must have sufficient flexibility to bend so that it fits between 2 concentric arcs drawn on a horizontal flat surface, one with a radius of 16.72 inches and the other with a radius of 15.72 inches. The piece must be positioned vertically so that the bound, folded, or final folded edge (as applicable) is perpendicular to the surface where the arcs are drawn (see Exhibit 522.161).

522.162 Rigidity. A flat-size mailpiece must have sufficient rigidity so that, when placed flat on a surface so that it extends unsupported 5 inches off that surface, no part of the edge of the mailpiece that is opposite the bound, folded, or final folded edge (as applicable) deflects either more than 1¾ inches (if the mailpiece is less than ⅛ inch thick) or more than 2⅜ inches (if the mailpiece is ⅛ inch thick up to the maximum ¾ inch thick). See Exhibit 522.162.

522.163 Test Device. The test described in 522.161 and 522.162 must be performed using a "Flat Mail Machinability Tester," constructed to meet Postal Service specification USPS–STD–28, following the instructions for use of that device.

522.164 Obtaining Test Devices, Instructions, and Information. Although the Postal Service does not test flat-size mailpiece flexibility or rigidity for mailers, the Postal Service provides the "Flat Mail Machinability Tester" to mailers and also provides technical assistance to mailers who plan to test their flat-size mailpieces for flexibility and rigidity, or who wish to fabricate or use a testing device that meets postal specifications. Information and assistance is available from the field division director, marketing and communications, serving the mailer's location (see 132).

522.17 Uniformity.

522.171 Surface. The exterior surface of flat-size mailpieces must have no protuberances caused by prohibited closures (see 522.142), have no attachments except as provided in 522.712, have no irregularly-shaped or distributed contents (see 522.172), and have no untrimmed excess material from the envelope, wrapper, or sleeve.

522.172 Attachments. An attachment to a flat-size mailpiece must be permanently, securely, and uniformly affixed to the front or back cover to a bound, folded, or otherwise closed edge that can be inserted into flat sorting machines as the leading edge for processing. In addition, the attachment must consist of a single sheet of the same size as the cover, and meet the requirements of 429.2, 522.171, and 522.174.

522.173 Contents. The contents of a flat-size mailpiece must be of approximately uniform thickness. Where applicable, the contents must also be of approximately the same size as the envelope, wrapper, or sleeve in which they are mailed. If the contents are of irregular thickness or significantly smaller than the envelope, wrapper, or sleeve in which mailed, those contents must be prepared to meet the requirements of 522.171 and secured in place, if necessary, to prevent shifting within the wrapping during processing.

522.174 Regular Shape. Each flat-size mailpiece must have a smooth and regular shape, free of creases, folds, tears or other irregularities not compatible with processing on automated equipment.

522.2 Preparation for Mailing

522.21 General. It is preferred that each flat-size mailpiece be prepared in an envelope or equivalent wrapping that is closed on all four sides and is free of untrimmed excess material. Each such mailpiece, as well as folded flat-size self-mailers (formed of single or multiple sheets), flat-size cards, and flat-size booklet-type mailpieces and magazines must meet the requirements of 522.1 and 522.3. The barcode must appear on the address side of the mailpiece (see 522.113 for pieces with more than one folded edge).

522.22 Additional Requirements for Booklet-Type Mailpieces and Magazines. The contents of flat-size mailpieces prepared in sleeves or other wrappers must be sufficiently secure in the sleeve or wrapper to stay in place during processing. If material bearing the delivery address or barcode for the mailpiece is enclosed in a partial wrapper, that wrapper must be sufficiently secure to prevent the contents from shifting and obscuring the delivery address or barcode.

522.3 Labels and Stickers on Outside of Mailpieces

[Duplicate existing 527; renumber subsections accordingly; no change in text.]

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530 Accuracy in Addresses and ZIP+4 Codes

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532 REQUIRED DOCUMENTATION

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532.1 General

[Add the following to the beginning of this section] "Except as provided in 575.2 (flat-size barcoded rate mailings in a single mailing job) * * *"

* * * * *

532.2 Description of Required Documentation

532.21 Form 3553 Requirements. [Add the following to the end of the first sentence:] "* * * except for flat-size barcoded rate mailings in a single mailing job as provided in 575.2."

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540 Nonbarcoded Mailpieces Qualifying for ZIP+4 Rates

541 General

541.1 Applicability

The requirements in 542 through 546 apply to all letter-size mailpieces (including first-class card rate mail) claimed at a ZIP+4 rate except those on which the requirement for a ZIP+4 code is met by a ZIP+4 barcode or delivery point barcode on the mailpiece in accordance with the requirements in 550. Only letter-size mailpieces may be claimed at a ZIP+4 rate.

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550 Barcoded Pieces

551 ZIP+4 BARCODE REQUIREMENTS

* * * * *

551.2 Barcode Location

551.21 General

551.211 Cards and Letter-Size Mailpieces. On cards and letter-size mailpieces, the ZIP+4 barcode or delivery point barcode must be located either within the barcode read area, in the lower right corner of the address side of the mailpiece under 551.22 and 551.23, or within the address block as prescribed in 551.24.

551.212 Flat-Size Mailpieces. On flat-size mailpieces, the ZIP+4 barcode or delivery point barcode must be located on the address side of the mailpiece as provided in 551.25.

551.22 Barcode Clear Zone (Lower Right Corner)—Letter-Size Mailpieces

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551.23 Barcode Placement on Letter-Size Mailpieces—Lower Right Corner

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551.24 Barcode Placement on Letter-Size Mailpieces—Address Block

[Redesignate existing 551.25, 551.251, 551.252, and Exhibit 551.252 as 551.24, 551.241, 551.242, and Exhibit 551.242, respectively; no change in text.]

* * * * *

551.25 Barcode Placement on Flat-Size Mailpieces

551.251 General. The ZIP+4, delivery point, or 5-digit barcode must be placed on the address side of the mailpiece. Regardless of location, the barcode must be at least ⅛ inch from any edge of the mailpiece.

551.252 In Address Block. Barcodes placed in the address block (the preferred location) must meet the requirements of 551.242a–b, 551.242d–f, and 551.242i–j.

551.253 On Inserts. Barcodes placed on inserts must meet the requirements of 551.723, 551.731, and 551.733.

551.254 Background. Regardless of the presence of other printing or materials (see 522.3) on the mailpiece, that portion of the surface of the mailpiece on which the barcode is printed must meet the reflectance requirements of 551.4.

551.26 Duplicate Barcode Prohibition. The address side of a flat-size mailpiece must not bear more than one POSTNET-format barcode. This barcode must be correct for the delivery address on the mailpiece. Other mailer-applied non-POSTNET barcodes may appear on the address side if their format is not intelligible or confusing to automated postal equipment. Advice on the use of other barcode formats may be obtained from the field division automation readability specialist.

* * * * *

551.5 Skew and Baseline Shift

551.51 Cards and Letter-Size Mailpieces. [Insert text of existing 551.5 and add the following at the end of the last sentence.] "(see Exhibit 551.5)."

551.52 Flat-Size Mailpieces

551.521 Rotational Skew. The maximum rotational skew acceptable on a flat-size mailpiece is ±10 degrees from a perpendicular to the baseline of the barcode. Rotational Skew is the slanting of the individual bars either more or less than the ideal 90-degree angle from the baseline of the barcode (see Exhibit 551.5).

551.522 Baseline Shift. The individual bars of a barcode on a flat-size mailpiece must not be vertically offset more than 0.005 inch from the average baseline of the barcode (see Exhibit 551.5).

551.523 Positional Skew. There is no positional skew requirement for barcodes on flat-size mailpieces.

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552 5-DIGIT BARCODE

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552.3 Barcode Location for Letter-Size Mailpieces

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560 Letter-Size Mailpieces—Rate Applicability, Grouping/Packaging, Traying and Documentation Requirements

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570 Flat-Size Mailpieces—Rate Applicability, Packaging, Sacking, Palletization and Documentation Requirements

571 [RESERVED]

572 GENERAL REQUIREMENTS

572.1 Applicability

All presort rate mailings of first-, second-, and third-class flat-size mailpieces claimed at a barcoded rate must be presorted in packages (see 573.1) and either sacked (see 573.2) or, for second- and third-class pieces, palletized (see 576). First-class flat-size nonpresorted ZIP+4 barcoded rate mailings must be packaged and sacked under 577.

572.2 Rate Eligibility

Flat-size mailpieces are eligible for automation-based first-, second-, and third-class rates as described in 325.14, 328.1, 411.126, and 628.3, respectively.

572.3 Prohibited Combinations

572.31 Barcoded Rate Mailings and Carrier Route Mailings. A single mailing cannot include pieces at both carrier route rates (including walk-sequence) and barcoded rates.

572.32 Classes and Mail Processing Categories. A single barcoded flat-size mailing must not contain pieces of different classes or of different processing categories.

572.4 General Package Preparation

572.41 Facing and Counterstacking. Each piece in a package must be faced in the same direction with a delivery address facing up and visible on the top piece in the package. Counterstacking (i.e., reverse-stacking or cross-stacking) groups of pieces within a package to ensure a leveled off or squared-off package is permitted under the following conditions:

a. All pieces in the package must have the address side facing up.

b. The pieces in the package must be divided into groups containing an approximately equal number of pieces, with every other group of pieces rotated 180 degrees.

c. A maximum of four groups within a package may be made, although two groups within a package is preferred.

572.42 Thickness. Flat-size mailpieces should be prepared in as few packages as possible. However, it is recommended that packages of flat-size mailpieces prepared in sacks not exceed 6 inches. Packages on pallets must meet the requirements of 576.

572.43 Securing Packages

572.431 Method. Packages must be secured by flat plastic strap, rubber bands, or string placed tightly around both the length and girth of the package. Elastic strapping may be used if approved by the Engineering and Development Center (see 572.432). It is strongly recommended that whatever material is used to secure the package that it first be tightly placed around the longer dimension, and then around the shorter dimension of the package. Instead of (or in addition to) strapping, the entire package may be enclosed in heavy gauge plastic or shrinkwrap. The strapping or wrapping material must not be applied or located so as to obstruct the address or sortation markings on the top piece in the package, or to inhibit the machinability of the mailpieces.

572.432 Testing of Elastic Strapping Material. [Duplicate existing 561.223; amend internal cites accordingly.]

572.44 Labeling Packages

572.441 Standard Package Labeling. Except when optional endorsement lines are used as provided by 572.442, the correct pressure-sensitive label required by 573.1 or a facing slip required by 573.16, 573.27, or 577 must be firmly affixed on the address-side of the top piece in each package next to the address label.

572.442 Optional Package Labeling—With Optional Endorsement Lines. [Duplicate section 441.232; amend internal cites accordingly; in new 572.442c, delete existing examples for firm, carrier route, optional SDC, state, and mixed state packages. Add a new example for residual packages and for packages in First-Class Nonpresorted Flats barcoded rate mailings) as follows:]

"On RESIDUAL PACKAGES use
* * * * * * * * * * WORKING."

* * * * *

572.5 General Requirements for Sack Preparation

572.51 Weight. The weight of a sack (or pouch) and its contents must not exceed 70 pounds.

572.52 Equipment. Packages of flat-size mailpieces prepared under 573.1 or 577 must be sorted into green nylon pouches or sacks (for first-class mail, as directed by the postmaster), into brown sacks (for second-class mail), or into white canvas sacks (for third-class mail). Pallets may be used for packages or sacks of presorted second- and third-class pieces as provided by 576.

572.53 Sack Labels

572.531 General. The applicable sack label (see 572.534, 573.2, and 577) must be securely placed in the label holder of each sack. Sack labels supplied by the Postal Service bear machine-printed barcodes that enable sortation on automated equipment. Second- and third-class mailers who produce their own labels are urged to prepare them with barcodes as specified in 572.537.

572.532 Physical Specifications

a. Sack Labels. Strip labels to fit label holders in sacks must be printed on 70-pound or heavier stock that is white or manila if used for first- or third-class mail, or pink if used for second-class mail, with a vertical dimension of 0.965 inch (+0.015 inch) and a horizontal dimension of 3.312 inches (+0.062 inch).

b. Tray/Pouch Labels. Tray labels required to fit the size of the label holder in pouches must meet the specifications in 561.47.

572.533 Method of Preparation. It is strongly recommended that sack labels be machine-printed to ensure legibility.

572.534 Content of Printed Text Lines

a. Description. There are three printed lines required on sack labels:

Line 1—Destination,

Line 2—Contents, and

Line 3—Mailer name and location.

The information contained on these printed text lines must be specified in 573.2, 576, 577, as applicable.

b. Line 1—Destination. Line 1, the destination line, must be the first visible line on the sack label. It must be completely visible when the label is placed in the label holder. To ensure such visibility, mailers should print the top line so that it is no less than ⅛ (0.125) inch below the top of the label when the label is cut and prepared for use. The destination information must be as specified in 573.2, 576, or 577, as applicable.

c. Abbreviations. [Duplicate text of existing 441.321e, except replace cites in 441.321e(4) with "573.2."]

d. Line 2—Contents. The contents line must be the second visible line of the sack label and must bear the information required by 573.2 or 577, as applicable. First-Class, second-class, and third-class mail must show "FCM," "2C" or "NEWS" (as appropriate), or "3C," respectively, followed by "FLATS BARCODED." Second-Class optional city sacks must also bear the word "CITY." SDC sacks must also show the abbreviation for the state or states served by the SDC and additional codes, if appropriate, as shown in Exhibit 122.63f for second-class mail or Exhibit 122.63g for third-class mail. Sacks of residual mail (see 573.26) must also bear the word "WORKING" or the abbreviation "WKG."

e. Line 3—Mailer Name and Location. The third required line of the sack label must show the name of the mailer and the city and two-letter state abbreviation of the mailer's location.

572.535 Extraneous Information on Sack Labels

[Duplicate text of existing 441.323, except replace cities in 441.323b and 441.323c with "573.2" and delete references to bundle or pallet labels. Revise new 573.135d, and add new 573.135g as follows:]

d. Mailer Name and Location. The publication title or abbreviation; a mailer code assigned by the Postal Service; or "Mailer," "From," or "FR" may appear before the name of the mailer. Mailer codes and other extraneous information may follow to the right of the location of mailing.

provided any numeric format used does not have the appearance of a ZIP Code or 3-digit ZIP Code prefix.

* * * * *

g. Interference with Barcode. Extraneous information on sack labels must appear to the right of the "quiet zone" (see 573.137e) and must not interfere with scanning and sorting by automated equipment.

572.536 Printing Density of Text Lines. [Duplicate text of existing 446.25; revise cite to read "573.137e."]

572.537 Barcode Specifications for Optional Barcoded Sack Labels.

[Duplicate text of existing 446.3; renumber subsections accordingly; replace cites to 446.34 and 446.24 with "572.537d" and "572.535g," respectively. Duplicate existing Exhibit 446.32; redesignate as Exhibit 572.537; amend cites accordingly. Do not duplicate existing Exhibit 446.36; retain cite to that Exhibit in renumbered 572.537f.]

573 SORTATION REQUIREMENTS FOR PRESORTED FLAT-SIZE BARCODED RATE MAILINGS

573.1 Package Sortation

573.11 General Requirements

573.111 Sequence. All pieces in the same presorted flat-size barcoded rate mailing must be presorted together to the finest extent in the sequence and manner required by 573.12, 573.13 (second-class only), 573.14, and 573.15. Firm packages are prohibited in a barcoded rate mailing of flat-size mailpieces.

573.112 Package Size. All pieces for the same package destination should be secured together in a single package when physically possible. When the size of individual pieces in a package or the total number of pieces to a particular package destination is large enough to require physical preparation of more than one package to that destination, mailers are urged to minimize the number of packages by preparing large packages measuring as close as possible to the recommended 6-inch maximum. When a group of pieces to a package destination must be prepared in more than one package due to the size of individual pieces or the total number of pieces, it does not affect rate eligibility provided the minimum number of pieces required for preparation of the particular destination sortation level is met as set forth in 573.12 through 573.15. Pieces for the same package destination should be placed in the same sack or level of sack wherever possible.

573.12 Required 5-Digit Packages

573.121 First-Class Mail. When there are 10 or more addressed pieces for the same 5-digit ZIP Code destination, they must be prepared in a 5-digit package (or packages as provided in 572.42 and 573.112) for that destination. A red "D" label must be placed on the top piece in the package or the correct 5-digit optional endorsement line must be used (see 572.442). When there are fewer than 10 pieces for a particular 5-digit ZIP Code destination in a mailing, the pieces to that 5-digit ZIP Code must not be prepared as 5-digit packages.

573.122 Second-Class Mail. When there are six or more addressed pieces of mail for the same 5-digit ZIP Code destination, they must be prepared in a 5-digit package (or packages as provided in 572.42 and 573.112) for that destination. A red "D" label must be placed on the top piece in the package or the correct 5-digit optional endorsement line must be used (see 572.442). Groups of fewer than six pieces for a particular 5-digit ZIP Code destination may be prepared in 5-digit packages, however pieces in such packages do not qualify for level B5/H5/J5 ZIP+4 Barcoded rates for flats.

573.123 Third-Class Mail. When there are 10 or more addressed pieces for the same 5-digit ZIP Code destination, they must be prepared in a 5-digit package (or packages as provided in 572.42 and 573.112) for that destination. A red "D" label must be placed on the top piece in the package or the correct 5-digit optional endorsement line must be used (see 572.442). When there are fewer than 10 pieces for a particular 5-digit ZIP Code destination in a mailing, the pieces to that 5-digit ZIP Code must not be prepared as 5-digit packages.

573.13 Optional Multicoded City Packages (Second-Class Mail Only). After preparing required 5-digit packages under 573.12, if there are six or more addressed pieces for one of the multicoded cities listed in Exhibit 122.63a, they may be prepared in a multicoded city package (or packages as provided in 572.42 and 573.112) for that destination. A yellow "C" label must be placed on the top piece in the package or the correct multicoded city optional endorsement line must be used (see 572.442). Multicoded city packages may be prepared by the mailer on a selected basis. Groups of fewer than six pieces for a particular multicoded city destination may be prepared in optional multi-coded city packages, however, pieces in such packages do not qualify for level B3/H3/J3 ZIP+4 Barcoded rates for flats.

573.14 Required 3-Digit Packages

573.141 First-Class Mail. If, after preparing packages under 573.12, there are 50 or more addressed pieces for the same 3-digit ZIP Code area, they must be prepared in a 3-digit package (or packages as provided 572.42 and 573.112) for that destination. The destination facilities associated with all assigned 3-digit ZIP Code prefixes are listed in Exhibits 122.63b-d. A green "3" label must be placed on the top piece in the package or the correct 3-digit optional endorsement line must be used (see 572.442). When there are fewer than 50 pieces for a particular 3-digit ZIP Code destination in a mailing, the pieces to that 3-digit ZIP Code destination must not be prepared as 3-digit packages.

573.142 Second-Class Mail. If, after preparing packages under 573.12 and 573.13, there are six or more addressed pieces for the same 3-digit ZIP Code area, they must be prepared in a 3-digit package (or packages as provided in 572.42 and 573.112) for that destination. The destination facilities associated with all assigned 3-digit ZIP Code prefixes are listed in Exhibits 122.63b-d. A green "3" label must be placed on the top piece in the package or the correct optional endoresement line must be used (see 572.442). Groups of fewer than six pieces for a particular 3-digit ZIP Code destination may be prepared in 3-digit packages, however only pieces in packages of six or more addressed pieces for unique 3-digit ZIP Codes qualify for level B3/H3/J3 ZIP+4 Barcoded rates for flats.

573.143 Third-Class Mail. If, after preparing packages under 572.12, there are 10 or more addressed pieces for the same 3-digit ZIP Code area, they must be prepared in a 3-digit package (or packages as provided in 572.42 and 573.112) for that destination. The destination facilities associated with all assigned 3-digit ZIP Code prefixes are listed in Exhibits 122.63b-d. A green "3" label must be placed on the top piece in the package or the correct 3-digit optional endorsement line must be (see 572.442). When there are fewer than 10 pieces for a particular 3-digit ZIP Code destination in a mailing, the pieces to that 3-digit ZIP Code must not be prepared as 3-digit packages.

573.15 Required SCF Packages.

573.151 First-Class Mail. If, after preparing packages under 573.12 and 573.14, there are 10 or more addressed pieces for the same SCF destination, they must be prepared in an SCF package (or packages as provided in 572.42 and 573.112) for that destination. SCF destinations, for purposes of this section, and the ZIP Code ranges each serves, are listed in Exhibit 122.63d. A green "3" label must be placed on the top piece in the package or the correct SCF optional endorsement line must be used (see 572.442). When there are fewer

than 10 pieces for a particular SCF destination in a mailing, the pieces to that SCF must not be prepared as SCF packages.

573.152 Second-Class Mail. If, after preparing packages under 573.12 through 573.14, there are six or more addressed pieces for the same SCF destinations, they must be prepared in an SCF package (or packages as provided in 572.42 and 573.112) for that destination. SCF destinations, for purposes of this section, and the ZIP Code ranges each serves, are listed in Exhibit 122.63d. A green "3" label must be placed on the top piece in the package or the correct SCF optional endorsement line must be used (see 572.442). Groups of fewer than six pieces for a particular SCF destination may be prepared in SCF packages.

573.153 Third-Class Mail. If, after preparing packages under 573.12 and 573.14, there are 10 or more addressed pieces for the same SCF destination, they must be prepared in an SCF package (or packages as provided in 572.42 and 573.112) for that destination. SCF destinations, for purposes of this section, and the ZIP Code ranges each serves, are listed in Exhibit 122.63d. A green "3" label must be placed on the top piece in the package or the correct SCF optional endorsement line must be used (see 572.442). When there are fewer than 10 pieces for a particular SCF destination in a mailing, the pieces to that SCF must not be prepared as SCF packages.

573.16 Required Residual Packages. After preparing packages under 573.12 through 573.15, all remaining pieces are residual and must be prepared in accordance with 573.27.

573.2 Sack Sortation

573.21 General Requirements

573.211 Sortation. All pieces in the mailing must be presorted together to the finest extent in the sequence and manner required by 573.22 through 573.26. Remaining residual pieces must be prepared under 573.27.

573.212

Minimum Volume per Sack.

a. General Rule. All 5-digit, 3-digit, and SCF sacks of First- or third-class mail must contain at least 125 pieces or 15 pounds of mail as required under 573.22, 573.24, and 573.25. First-Class ADC and third-class SDC sacks may contain less than 125 pieces or 15 pounds of pieces. There is no minimum volume per sack for second-class mail.

b. Additional Requirements for Mailings of Nonidentical-Weight Pieces. For purposes of 573.212a and 573.22 through 572.27, mailers who prepare First- or third-class mailings of nonidentical-weight pieces must either:

(1) Sort based on the average weight of the mailpieces (i.e., divide the total weight of the mail by the number of pieces to determine whether the required number of pieces or pounds will occur first); or

(2) Sort based on the actual piece count or weight of the mail for each sack, provided documentation can be supplied with the mailing that shows (specifically for each 5-digit, 3-digit, and SCF sack) the number of pieces and the total weight of those pieces.

573.213 Declaration of Criterion. To facilitate postal verification, the mailer must declare on the mailing statement required to accompany the mail which criterion (number of pieces and/or weight of the mail) was used to presort the mailing. An abbreviated designation is sufficient (e.g., "PCS" for number of pieces, "WT" for weight of the mail, "BOTH" if both were used as provided by 573.212b(2)).

573.22 5-Digit Sacks

573.221 Optional First-Class 5-Digit Sacks. If there are 125 or more addressed pieces or 15 or more pounds of addressed pieces (whichever occurs first) for the same 5-digit ZIP Code destination, a 5-digit sack for that destination may be prepared. Five-Digit sacks containing fewer than 125 addressed pieces or 15 pounds of addressed pieces are not permitted. (Also see 573.212 and 573.213.)

573.222 Required Second-Class 5-Digit Sacks. If there are four or more packages of addressed pieces of second-class mail for the same 5-digit ZIP Code destination, a 5-digit sack for that destination must be prepared. Sacks may contain fewer than four packages of addressed pieces. (Also see 573.212 and 573.213.)

573.223 Required Third-Class 5-Digit Sacks. If there 125 or more addressed pieces or 15 or more pounds of addressed pieces of third-class mail (whichever occurs first for the same 5-digit ZIP Code destination, a 5-digit sack for that destination must be prepared. Five-digit sacks containing fewer than 125 addressed pieces or 15 pounds of addressed pieces are not permitted. (Also see 573.212 and 573.213.)

573.224 Labeling 5-Digit Sacks. Five-digit sacks must be labeled as follows:

Line 1: City, two-letter state abbreviation, and 5-digit ZIP Code of destination
Line 2: Class of contents, followed by FLATS BARCODED
Line 3: Name of mailer and city and two-letter state abbreviation of mailer's location

Example:
NEW TOWN ND, 58763
3C FLATS BARCODED
LFR CO OLD TOWN ME

573.23 Optional Multicoded City Sacks (Second-Class Mail Only). After preparation of sacks under 573.22, an optional multicoded city sack may be prepared to one of the multicoded cities listed in Exhibit 122.63a whenever there are four or more packages of addressed pieces of mail for that destination. (Also see 573.212 and 573.213.) Multicoded city sacks may be prepared by the mailer on a selected basis, and may contain fewer than four packages of addressed pieces. First- or third-class mail must not be prepared in optional multicoded city sacks. Optional multicoded city sacks must be labeled as follows:

Line 1: City, two-letter state abbreviation, and lowest 5-digit ZIP Code of the city shown in Exhibit 122.63a
Line 2: 2C, followed by FLATS BARCODED, and "CITY" directly under ZIP Code on line 1
Line 3: Name of mailer and city and two-letter state abbreviation of mailer location

Example:
IRVING TX, 75015
2C FLATS BARCODED CITY
JFR CO BERLIN NH

573.24 3-Digit Sacks

573.241 Optional First-Class 3-Digit Sacks. After preparing sacks under 573.22, if there are 125 or more addressed pieces or 15 or more pounds of addressed pieces (whichever occurs first) for the same 3-digit ZIP Code area, a 3-digit sack may be prepared for the corresponding destination facility. The destination facilities associated with all assigned 3-digit ZIP Code prefixes are listed in Exhibits 122.63b–d. Three-digit sacks containing fewer than 125 addressed pieces or 15 pounds of addressed pieces are not permitted. (Also see 573.212 and 573.213.)

573.242 Required Second-Class 3-Digit Sacks. After preparing sacks under 573.22 and 573.23, if there are four or more packages of addressed pieces for the same 3-digit ZIP Code area, a 3-digit sack must be prepared for the corresponding destination facility. The destination facilities associated with all assigned 3-digit ZIP Code prefixes are listed in Exhibits 122.63b–d. Sacks may contain fewer than four packages of addressed pieces. (Also see 573.212 and 573.213.)

573.243 Required Third-Class 3-Digit Sacks. After preparing sacks under 573.22, if there are 125 or more addressed pieces or 15 or more pounds

of addressed pieces (whichever occurs first) for the same 3-digit ZIP Code area, a 3-digit sack must be prepared for the corresponding destination facility. The destination facilities associated with all assigned 3-digit ZIP Code prefixes are listed in Exhibits 122.63b–d. Three-digit sacks containing fewer than 125 addressed pieces or 15 pounds of addressed pieces are not permitted. (Also see 573.212 and 573.213.)

573.244 Labeling 3-Digit Sacks. Three-digit sacks must be labeled as follows:

a. Unique 3-Digit ZIP Code Prefixes.

Line 1: City, two-letter state abbreviation, and unique 3-digit prefix (see Exhibit 122.63b)
Line 2: Class of contents, followed by FLATS BARCODED
Line 3: Name of mailer and city and two-letter state abbreviation of mailer location
Example:
FLUSHING NY, 113
3C FLATS BARCODED
H2O CO PLUMMER MN

b. Other 3-Digit ZIP Code Prefixes.

Line 1: Name of SCF and two-letter state abbreviation of SCF, followed by 3-digit prefix of the pieces contained in the sack (see Exhibits 122.63c or 122.63d for name of SCF serving each 3-digit area) Note: The letters "SCF" are not used.
Line 2: Class of contents, followed by FLATS BARCODED
Line 3: Name of mailer and city and two-letter state abbreviation of mailer location
Example:
OIL CITY PA 163
FCM FLATS BARCODED
PIPECO PRUDHOE BAY AK

573.25 SCF Sacks

573.251 Required First-Class SCF Sacks. After preparing sacks under 573.22 and 573.24, if there are 125 or more addressed pieces or 15 or more pounds of addressed pieces (whichever occurs first) for destination ZIP Codes within the service area of the same SCF serving more than one 3-digit ZIP Code area, those packages must be prepared in an SCF sack(s) for the corresponding destination SCF facility. SCF destinations, for purposes of this section, and the ZIP Code ranges each serves, are listed in Exhibit 122.63d. SCF sacks containing fewer than 125 addressed pieces or 15 pounds of addressed pieces are not permitted.

573.252 Required Second-Class SCF Sacks. After preparing sacks under 573.22 through 573.24, if there are four or more packages of addressed pieces for destination ZIP Codes within the service area of the same SCF serving more than one 3-digit ZIP Code area, those packages must be prepared in an SCF sack(s) for the corresponding destination SCF facility. SCF destinations, for purposes of this section, and the ZIP Code ranges each serves, are listed in Exhibit 122.63d. SCF sacks may contain fewer than four packages.

573.253 Required Third-Class SCF Sacks. After preparing of sacks under 573.22 and 573.24, if there are 125 or more addressed pieces or 15 or more pounds of addressed pieces (whichever occurs first) for destination ZIP Codes within the service area of the same SCF serving more than one 3-digit ZIP Code area, those packages must be prepared in an SCF sack(s) for the corresponding destination SCF facility. SCF destinations, for purposes of this section, and the ZIP Code ranges each serves, are listed in Exhibit 122.63d. SCF sacks containing fewer than 125 addressed pieces or 15 pounds of addressed pieces are not permitted.

573.254 Labeling SCF Sacks. SCF sacks must be labeled as follows:

Line 1: Letters "SCF" followed by city, two-letter state abbreviation, and 3-digit prefix for SCF as shown in Exhibit 122.63d
Line 2: Class of contents, followed by FLATS BARCODED
Line 3: Name of mailer and city and two-letter state abbreviation of mailer location
Example:
SCF WATERLOO IA, 506
NEWS FLATS BARCODED
ELBA PUBL NAPOLEON MO

573.26 ADC or SDC Sacks

573.261 Required First-Class ADC Sacks. After preparing sacks under 573.22, 573.24, and 573.25, all remaining 5-digit, 3-digit and SCF packages for destination ZIP Codes within the service area of the same Area Distribution Center (ADC) must be prepared in an ADC sack. ADC destinations and the ZIP Code ranges each serves, are listed in Exhibit 122.63e. There is no minimum quantity for ADC sacks. ADC sacks must be labeled as follows:

Line 1: Applicable label information shown in Exhibit 122.63e.
Line 2: FCM, followed by FLATS BARCODED
Line 3: Name of mailer and city and two-letter state abbreviation of mailer location
Example:
DIS ALBANY NY, 120
FCM FLATS BARCODED
ABC CO WASHINGTON DC

573.262 Required Second-Class SDC Sacks. After preparing sacks under 573.22 through 573.25, remaining 5-digit, optional city, 3-digit, and SCF packages for destination ZIP Codes within the service area of the same State Distribution Center (SDC) must be prepared in an SDC sack. SDC destinations and the ZIP Code ranges each serves, are listed in Exhibit 122.63f. There is no minimum quantity for SDC sacks. SDC sacks must be labeled as follows:

Line 1: Applicable label information shown in Exhibit 122.63f
Line 2: Contents (2C or NEWS) followed by FLATS BARCODED and the abbreviation for the state or states served by the SDC and additional codes, if appropriate, as shown in Exhibit 122.63f. Additional codes must be right justified.
Line 3: Name of mailer and city and two-letter state abbreviation of mailer location
Example:
DIS PITTSBURGH PA, 150
2C FLATS BARCODED PA
NALCO NEWS ALBANY NY

573.263 Required Third-Class SDC Sacks. After preparing sacks under 573.22, 573.24, and 573.25, all remaining 5-digit, 3-digit, and SCF packages for destination ZIP Codes within the service area of the same State Distribution Center (SDC) must be prepared in an SDC sack. SDC destinations and the ZIP Code ranges each serves are listed in Exhibit 122.63g. There is no minimum quantity for SDC sacks. SDC sacks must be labeled as follows:

Line 1: Applicable label information shown in Exhibit 122.63g.
Line 2: 3C FLATS BARCODED followed by the abbreviation for the state or states served by the SDC, and additional codes, if appropriate, as shown in Exhibit 122.63g. Additional codes must be right-justified.
Line 3: Name of mailer and city and two-letter state abbreviation of mailer location
Example:
BMC PITTSBURGH PA, 15193
3C FLATS BARCODED PA, 000
EXETER CO DUPONT PA

573.27 Required Residual Packaging and Sacking for First-, Second-, and Third-Class Mailings. Pieces remaining after preparing packages under 573.12 through 573.15 are residual. Residual pieces must be packaged and sacked in one of the following ways. The physical separation option in 573.272 may be used only within mailings of identical weight pieces.

573.271 ZIP Code Sequencing and Listing. Residual pieces must be put in 3-digit ZIP Code sequence and packaged.

The packages should measure as close to 6 inches thickness as possible. To facilitate verification, all residual pieces for the same 3-digit ZIP Code area should be placed in the same package. Residual packages must be labeled using the residual optional endorsement line in 572.442 or a facing slip. If a facing slip is used it must be placed on the address side of the top copy in each residual package and bear the word "WORKING" or its authorized abbreviation "WKG." Residual packages must be placed in residual sacks. Sacks should be as full as possible up to the 70-pound limit. The last sack may be less than full.

573.272 Physical Separation Option for Mailings of Identical Weight Pieces. Residual pieces must be separated so that pieces bearing 5-digit barcodes are separately packaged from pieces bearing ZIP+4 or delivery point barcodes. Each package should measure as close to 6 inches in thickness as possible. Residual packages must be labeled using the residual optional endorsement line in 572.442 or a facing slip. If a facing slip is used, it must be placed on the address side of the top copy of each residual package and bear the word "WORKING" or its authorized abbreviation "WKG." The packages containing pieces that are 5-digit barcoded must be placed in separate sacks from packages of ZIP+4 or delivery point barcoded pieces. The residual sacks must be separated by contents (5-digit barcode vs. ZIP+4 or delivery point barcode) when presented to the Postal Service for verification. Sacks should be as full as possible up to the 70-pound limit. The last sack may be less than full.

573.273 Labeling Residual Sacks. Residual sacks must be labeled as follows:

a. Sacks Containing ZIP+4 or Delivery Point Barcoded Pieces.

Line 1: Letters "DIS" followed by the city name, two-letter state abbreviation and 3-digit Zip Code prefix for the SCF serving the entry post office as shown in Exhibits 122.63c and 122.63d

Line 2: Class of Contents, followed by FLATS BARCODED WORKING (or WKG)

Line 3: Name of mailer and city and two-letter state abbreviation of mailer location

Example:
DIS NORTHERN VA 220
3C FLATS BARCODED WKG
EXETER CO DUPONT PA

b. Sacks Containing 5-Digit Barcodes.

Line 1: Letters "DIS" followed by the city name, two-letter state abbreviation and 3-digit ZIP Code prefix for the SCF serving the entry post office as shown in Exhibits 122.63c and 122.63d

Line 2: FCM, followed by FLTS 5D BARCODE WKG

Line 3: Name of mailer and city and two-letter state abbreviation of mailer location

Example:
DIS NORTHERN VA 220
FCM FLTS 5D BARCODE WKG
EXETER CO DUPONT PA

574 STANDARD DOCUMENTATION REQUIREMENTS FOR PRESORT RATE MAILINGS

574.1 General. Except as provided in 575, the following three types of documentation must accompany each mailing: (a) Form 3553, (b) postage and 85% ZIP+4 or delivery point barcode documentation, and (c) a mailing statement. Each is described in more detail in 574.2 through 574.4.

574.2 Form 3553. Each mailing must be accompanied by a Form 3553 in accordance with 532.2. This form documents that the addresses in the mailing were matched and coded using the current Postal Service ZIP+4 file and current CASS certified address matching software in accordance with 530.

574.3 Postage and Percentage of ZIP+4 or Delivery Point Barcoded Pieces

574.31 Purpose. This documentation enables the Postal Service to verify the percentage of ZIP+4 or delivery point barcoded pieces in the mailing. It also enables the Postal Service to verify the number of pieces claimed at each rate category on the mailing statement, and to verify that any difference between the amount of postage affixed to the pieces in the mailing and the amount of postage owed for the pieces is paid. It does this by providing the Postal Service with a detailed description of what is being mailed, how it is prepared, the rate for which pieces qualify, and how many pieces have a ZIP+4 or delivery point barcode. The Postal Service will match the numbers shown on the documentation with samples from the actual mailing to confirm that the information on the documentation is accurate. The postage and percentage of ZIP+4 or delivery point barcoded pieces documentation is not required when a mailing is 100% ZIP+4 or delivery point barcoded and the exact rate of postage for which each piece in the mailing qualifies (based on presort and weight) is affixed to each piece.

Note: For second-class mailings, the documentation described in this section will provide the presort per piece rate documentation and the 85% ZIP+4 or delivery point barcoded documentation required in 424.841 and 424.843. Additional documentation for second-class mailings is also required under the provisions of 424.841 for zone separations.

574.32 Format. It is recommended that one of the formats shown in Exhibits 574A and 574B be used to prepare required postage and 85% documentation for first-, second-, and third-class mail. If another format is used, it must allow Postal Service verification personnel to easily determine the information required by 574.33 using a single report. Information that could not pertain to the class being mailed (such as column headings for Level A, Level B, Level J rates in a third-class mailing), must not be included in the documentation.

574.33 Information Required.

574.331 Sections. The number of sections in the documentation will vary by format chosen. However, all documentation must have a ZIP Code listing as described in 574.332 that shows the number of pieces to each package destination in the mailing. This information may be broken down into sections by type of package as shown in Exhibit A, listed in one section as shown in Exhibit B, or prepared in another format chosen by the mailer provided the information required in 574.332 is given. In addition, all documentation must contain a summary section as provided in 574.333.

574.332 ZIP Code Listings.

a. ZIP Code Column. Except for residual mail prepared under the physical separation option in 573.272, the 5-digit or 3-digit ZIP Codes of all the pieces in the mailing must be listed in ascending numerical order under a column heading "ZIP Codes." The 5-digit ZIP Codes contained in each multicoded city package and the 3-digit ZIP Codes contained in each SCF package must, however, be listed together even if that causes some pieces to be listed out of sequence. For multicoded city packages (second-class only) and SCF packages, the lowest 5-digit or 3-digit ZIP Code respectively that is included in the pieces packaged for that destination must be used for placing all the ZIP Code listings for that package destination in ascending numerical order. The ZIP Code column must be listed using one of the following two methods:

(1) ZIP Code Listings Divided into Sections by Type of Package (See Exhibit 574A) The ZIP Code listing is divided into sections by type of package (5-digit, 3-digit, etc.). Packages must be listed as follows:

(a) Within the 5-digit section, 5-digit packages must be listed by 5-digit ZIP Code. At the mailer's option the 5-digit ZIP Code may be preceded by the abbreviation 5DG.

(b) Within the multicoded city section, multicoded city packages must be listed by each 5-digit ZIP Code contained in the package. The lowest 5-digit ZIP Code for pieces packaged to the city that is contained in the mailing must be preceded by the abbreviation CTY. Other 5-digit ZIP Codes for that city contained in the mailing must be listed below this entry in a manner that makes it clear which 5-digit ZIP Codes were prepared in packages for the same city.

(c) Within the 3-digit section, 3-digit packages must be listed by 3-digit ZIP Code. At the mailer's option the 3-digit ZIP Code may be preceded by the abbreviation 3DG.

(d) Within the SCF section, SCF packages must be listed by each 3-digit ZIP Code contained in the package. The lowest 3-digit ZIP Code for pieces packaged to the SCF that is contained in the mailing must be preceded by the abbreviation SCF. Other 3-digit ZIP Codes for that SCF contained in the mailing must be listed below this entry in a manner that makes it clear which 3-digit ZIP Codes were prepared in packages for the same SCF.

(e) Within the residual section, pieces in residual packages must be listed by 3-digit ZIP Code. At the mailer's option, the 3-digit ZIP Codes may be preceded by the abbreviation WKG. When the residual portion of the mailing is prepared under the physical separation option in 573.272, residual packages need not be included in the ZIP Code listing portion of the documentation.

(2) Continual ZIP Code List (See Exhibit 574B). All packages in the mailing are listed together in one section. Packages must be listed as follows:

(a) 5-digit packages must be listed by 5-digit ZIP Code. The 5-digit ZIP Code must be preceded by the abbreviation 5DG.

(b) Multicoded city packages (second-class mailings only) must be listed by each 5-digit ZIP Code contained in the package. The lowest 5-digit ZIP Code for pieces packaged to the city that is contained in the mailing must be preceded by the abbreviation CTY. Other 5-digit ZIP Codes for that city contained in the mailing must be listed below this entry in a manner that makes it clear which 5-digit ZIP Codes were prepared in packages for the same city.

(c) 3-digit packages must be listed by 3-digit ZIP Code. The 3-digit ZIP Code must be preceded by the abbreviation 3DG.

(d) SCF packages must be listed by each 3-digit ZIP Code contained in the package. The lowest 3-digit ZIP Code for pieces packaged to the SCF that is contained in the mailing must be preceded by the abbreviation SCF. Other 3-digit ZIP Codes for that SCF contained in the mailing must be listed below this entry in a manner that makes it clear which 3-digit ZIP Codes were prepared in packages for the same SCF.

(e) Pieces packaged as residual must be listed by 3-digit ZIP Code. The 3-digit ZIP Code must be preceded by the abbreviation WKG. When the residual portion of the mailing is prepared under the physical separation option in 573.272, residual packages need not be included in the ZIP Code listing portion of the documentation.

b. Basic Columns and Line Entries for Rates and Totals. For each ZIP Code entry in the ZIP Code Column as described above in 574.332a show:

(1) Number of pieces bearing a ZIP+4 or delivery point barcode under a column heading (or column headings—see 574.332c) that name(s) the rate of postage for which the pieces qualify based on the class of mail (see 325.14, 424.66, or 628.143) and the level of package sortation, and states that the pieces are ZIP+4 or delivery point barcoded.

(2) Number of pieces that are 5-digit barcoded under a column heading (or column headings—(see 574.332c) that name(s) the rate of postage for which the pieces qualify based on the class of mail (see 325.14, 424.66, or 628.143) and level of package sortation, and states that the pieces are 5-digit barcoded.

(3) Cumulative total (the total of all pieces listed for that ZIP Code plus all pieces listed for the preceding ZIP Code entries under a column heading "Cumulative Total." Cumulative totals may accumulate through the entire ZIP Code listing section see Exhibit 574B, or may accumulate only through each individual package section if ZIP Code listings are divided into sections by type of package, see Exhibit 574A.

c. Additional Column Listings.

(1) First-Class Precanceled Stamped Mailings Containing Pieces of More than One Ounce Increment. For nonidentical weight First-Class mailings paid by nondenominated precanceled stamps or precanceled stamps of a denomination less than the lowest rate in the mailing in which postage to cover additional ounces is not affixed, the documentation must contain separate columns for each ounce increment for any pieces listed under 574.332b(1) and 574.332b(2). The column headings must contain the name of the qualifying rate and the type of barcode (see 325.14) for the pieces and the weight category.

(2) First-Class Mailings Containing Pieces Subject to the Nonstandard Surcharge. For nonidentical weight or nonidentical size mailings in which postage at the exact rate is not affixed to each mailpiece, and which contain both pieces subject to the nonstandard surcharge in 315 and pieces that are not subject to the surcharge, the documentation must contain a separate column to document the number of pieces weighing 1 ounce or less that are subject to the surcharge. The column headings must contain the name of the rate, the type of barcode (see 325.14) and an indication that the nonstandard surcharge applies. The additional columns in 574.332c(1) above may also be necessary for particular mailings.

Note: For both identical-size mailings and nonidentical-size mailings containing pieces that are subject to the nonstandard surcharge, the summary listing must reflect that the surcharge is $0.05 for presort rate pieces and $0.10 for single-piece rate pieces (in SCF and residual packages).

(3) First-Class Metered Mailings Containing Pieces Over and Under 2 Ounces Within SCF and Residual Packages. Unless the pieces are metered at the exact rate of postage for which they qualify, two rate columns for residual rate mailpieces bearing ZIP+4 or delivery point barcodes must be shown, one for pieces weighing 2 ounces or less and one for pieces weighing over 2 ounces. Two rate columns for residual mailpieces containing 5-digit barcodes must also be shown, one for each weight category. The column headings must contain the name of the residual rate and the type of barcode (see 325.14) for which the pieces qualify and the weight category.

(4) Second-Class Mailings Containing Both In-County and Outside-County Rate Pieces. For second-class mailings containing both in-county rated pieces and outside-county rated pieces, separate columns for in-county rated pieces and for outside-county rated pieces must be shown for any pieces listed under 574.332b(1) and 574.332b(2). In addition, for three-digit packages, separate columns for unique 3-digit package that qualify for the level B3 or H3 rates, and for the level J3 rates must be shown, and separate columns for nonunique 3-digit packages that qualify for level A or G rates, and for level J1 rates must be shown, for each of the two general categories of pieces in 574.332b(1) and 574.332b(2). The column headings must contain the name of the rate for which the pieces qualify and the type of barcode.

(5) Second-Class Combined Mailings. Second-class mailings combining pieces from more than one second-class publication or edition must provide additional information by publication or edition as required by 424.853.

(6) First- and Third-Class Mailings using Minimum Volume per Sack Criteria in 573.212b(2). For nonidentical weight pieces, mailers that determine the minimum volume per sack based on the actual piece count or weight of the mail for each sack must list for each sack the number of pieces and the total weight of those pieces (see 573.212b(2)).

574.333 Summary Portion

a. Second-Class Mailings and Permit Imprint Mailings.

(1) Rate Categories and Postage Owed. The summary must list each rate category at which any pieces in the mailing are claimed from the applicable column totals in the ZIP Code listing portion of the documentation. For each rate listed, the summary must show:

(a) Total number of pieces claimed at that rate,

(b) Applicable rate of postage,

(c) Postage charges for that rate category (the total number of pieces times the rate of postage).

(2) Totals

(a) A grand total of the postage charges for all the rate categories in the entire mailing must be shown. For permit imprint mailings, this grand total is the amount of postage owed for the mailing (the amount to be deducted from the advance deposit account) for second-class mailings the grand total is the amount of second-class per-piece charges for the mailing.

(b) The total number of pieces in the mailing that bear a ZIP+4 or delivery point barcode, the total number of pieces that bear a 5-digit barcode, and the total pieces in the mailing must be shown.

(c) The percentage of ZIP+4 or delivery point barcoded pieces in the mailing must be shown.

b. First- and Third-Class Metered and Precanceled Stamp Mailings.

(1) Rate Categories and Postage Owed. The summary must list each rate category at which any pieces in the mailing are claimed from the applicable column totals in the ZIP Code listing portion of the documentation. For nonidentical-weight First-Class precanceled stamp mailings in which stamps to cover the additional ounces are not affixed, each rate category must be listed more than once so that there is a separate listing for each ounce increment at that rate. For First-Class metered mailings having postage affixed to all pieces at the 3/5 flats barcoded rate containing SCF packaged pieces and residual pieces over and under 2 ounces, a separate listing for pieces weighing 2 ounces or less and a separate listing for pieces weighing over 2 ounces must be shown to account for the greater amount of postage owed for the pieces weighing over 2 ounces. For First-Class mailings having 1-ounce pieces both subject to and not subject to the non-standard surcharge, a separate listing for each must be shown. For each rate listed, the summary must show:

(a) The number of pieces claimed at that rate;

(b) The amount of additional postage due for each piece at that rate (when the amount of postage affixed is less than the rate of postage owed);

(c) The postage due for pieces claimed at that rate (the total number of pieces at that rate category times the amount of postage due per piece).

(2) Totals

(A) A grand total of the additional postage charges due for all the rate categories in the entire mailing must be shown. This grand total is the amount of postage that must be affixed to the mailing statement or paid through an advance deposit account.

(B) The total number of pieces in the mailing that bear a ZIP+4 or delivery point barcode, the total number of pieces that bear a 5-digit barcode, and the total pieces in the mailing must be shown.

(C) The percentage of ZIP+4 or delivery point barcoded pieces in the mailing must be shown.

574.34 Method of Submission.

574.341 General. This documentation required by 574 must be presented to the Postal Service in paper (hard copy) form, unless the mailer is authorized to submit documentation on electronic media as provided by 574.342.

574.342 Electronic Media. Mailers may submit documentation on electronic media rather than in hard copy form only if the postmaster of the post office or detached mail unit verifying the mailing or mailing job has determined that the post office or DMU has the ability to receive and use the documentation in electronic form and if the mailer is authorized to do so by the rates and classification center serving that post office.

574.35 Other Documentation. The mailer may be authorized to combine the documentation required by this section with other documentation required by other postal regulations or programs provided the combined documentation is approved in advance by the postmaster of mailing. Combined documentation must be further approved by the rate and classification center serving the office of mailing if any of the merged documentation is related to or required by 145.7, 145.8, 145.9, 424.5, 424.8, 424.9, 464, 465, 644, 645, 664, or 665.

574.4 Mailing Statement.

574.41 General. At the time the mail is presented to the Postal Service for acceptance, each flats barcoded rate mailing must be accompanied by a complete and signed mailing statement appropriate for the method of postage payment and class of mail submitted using the appropriate Postal Service form or an approved facsimile. Mailers must write the method used to determine the minimum volume per 5-digit and 3-digit sacks on the top of the mailing statement as required by 573.213.

574.42 Method of Submission

574.421 General. The mailing statement must be submitted in paper (hard copy) form, unless the mailer is authorized to submit documentation on electronic media as provided by 574.422.

574.422 Electronic Media. Mailers may submit mailing statements on electronic media rather than hard copy form only if the postmaster of the post office or detached mail unit (DMU) receiving the mailing statements has determined that the post office or DMU has the ability to receive and use the mailing statement in electronic form and if the mailer is authorized to do so by the rates and classification center serving that post office.

575 ELECTIVE DOCUMENTATION FOR PRESORT RATE MAIL

575.1 Abbreviated Documentation For Postage and Percentage of ZIP+4 or Delivery Point Barcode Pieces

575.11 Authorization Procedure.

575.111 Letter of Request. Mailers must submit a written letter of request for authorization to submit with each mailing the abbreviated documentation described in this section rather than complete documentation described in 574.3. (The documentation required by 574.2 and 574.4 must still be submitted.) The letter must be sent to the postmaster of the post office where the mailings are verified and postage is paid.

575.112 Authorization. Upon receipt of the letter of request, the postmaster or authorized representative will verify a subsequent mailing for which complete documentation is submitted. If the complete documentation is found to contain all the information required in 574.3 and, when the mail is sampled and compared to the documentation the documentation is found to be correct,

the postmaster will authorize use of abbreviated documentation procedures. The authorization is good for a period of one year and will be provided to the mailer in writing. If the complete documentation does not contain all of the information required in 574.3, or is found not to be correct when compared to mail sampled, the request will be denied in writing. The written denial will state the deficiencies that must be corrected. The mailer may submit another request for abbreviated documentation authorization when the deficiencies noted have been corrected.

575.12 Requirement. The mailer must submit the summary section of the documentation required in 574.333 and only those portions of the ZIP Code listings described in 574.332 that pertain to pieces destinating at a particular SCF area. The SCF area selected by the mailer should include pieces qualifying for both the 3/5-digit rates and for the basic or single-piece rates. If the selected SCF area does not contain pieces at all applicable rate levels included in the mailing, the ZIP Code listings for an additional SCF area that contains pieces qualifying for the missing rate levels must be provided with the mailing. A minimum of 3 sacks must be represented by the documentation submitted.

Note: Nothing in this section shall relieve the mailer from the requirement to submit, at the request of the postmaster, additional documentation including documentation pertaining to pieces that destinate at particular SCFs specified by the postmaster.

575.13 Sack Presentation. When the mailing is presented for verification and either acceptance or clearance for dispatch, the sacks that contain the pieces corresponding to the ZIP Codes of the selected SCF area or areas for which the ZIP Code listings are submitted must be identified and physically separated.

575.14 Mailings Presented on Pallets. At the time a mailing is presented for verification and either acceptance or clearance for dispatch, mailers using abbreviated documentation must identify and physically separate the pallets that contain the pieces corresponding to the ZIP Codes of the selected SCF area or areas for which the ZIP Code lists are submitted. If mailings are copalletized and/or commingled mixed rate levels on pallets, the abbreviated documentation applies only to the flats barcoded portion of the mailing and does not apply to required documentation listing the contents of each pallet or to the documentation required for mailings at carrier route rates (if carrier route mail is contained on the pallets in accordance with 576.4).

575.15 Retention of Documents. Mailers authorized to submit abbreviated documentation must retain the information necessary to produce complete documentation for each mailing made during the past 12 months. Mailers must also be able to produce complete documentation of a particular mailing upon request by the postmaster, for either upcoming mailings or for past mailings.

575.16 Reauthorization and Review. Prior to expiration of the one-year authorization, the postmaster or his or her authorized representative must schedule a review of complete documentation with the mailer. If the complete documentation is found to be accurate subsequent to review, the postmaster or authorized representative will issue a written authorization to continue use of abbreviated documentation for another year. If the documentation is found not to be accurate, complete documentation must be submitted for subsequent mailings until the problem is corrected and the mailer is again authorized to submit abbreviated documentation. A review of complete documentation must also be scheduled and performed by the postmaster or authorized representative anytime there is a change in the presort or documentation requirements for barcoded flat-size mailings.

575.2 Mailing Job Provisions for Meeting the 85% ZIP+4 Barcode and Form 3553 Requirements

575.21 Purpose. At the mailer's option, compliance with the requirement that at least 85% of the pieces bear a correct ZIP+4 or delivery point barcode may be based upon all flat-size barcoded rate mailings within a job when the job meets the criteria in 575.22. In addition, one Form 3553 for all flats barcoded rate mailings in the mailing job may be submitted.

575.22 Eligible Mailing Jobs

575.221 Definition of a Mailing Job. Often referred to as a mailing cycle, mailing project, or publication issue, a mailing job consists of the total pieces that are meant to be mailed as an entity from a fixed set of addresses. These addresses may be from a single list or multiple lists that have been merged into a single list for the purposes of mailing. A mailing job may consist of only flats barcoded rate mailings or may consist of a combination of flats barcoded rate mailings, carrier route mailings, 3/5 and basic presort mailings. If carrier route or other non-barcoded rate mailings are included in the job the pieces in those mailings must not be counted towards the 85% barcode requirement regardless of whether those pieces have been barcoded.

575.222 Verification and Payment at a Single Post Office. To be eligible for the option of submitting the 85% ZIP+4 barcode documentation and a single Form 3553 based on all the flats barcoded rate mailings in a mailing job (as opposed to being individually applied to each barcoded rate mailing in the job), all mailings in the job MUST be verified and paid for at a single post office. Mailing jobs containing mailings being entered at multiple destination post offices that are verified and paid for at a single post office under a Centralized Postage Payment (CPP) System or Plant-Verified Drop Shipment (PVDS) are eligible for this option.

575.23 Postage and 85% ZIP+4 Barcode Documentation for Mailing Job Option. Separate documentation for each individual flats barcoded rate mailing that is prepared over the course of the mailing job must be prepared in accordance with 574.3. The abbreviated documentation in 575.1 may also be authorized. In addition, a separate overall summary in the format required by 574.333 that summarizes the rate and barcode category information for all pieces in all flats barcoded rate mailings entered over the entire mailing job must be submitted when the first flats barcoded rate mailing of the mailing job is verified.

575.24 Mailing Statements in a Mailing Job. Each mailing submitted as part of a mailing job must be accompanied by the appropriate mailing statement for its class and method of postage payment.

Note: When a carrier route mailing and a flats barcoded rate mailing (produced as part of the same mailing job) are copalletized under the provisions of 576.4, the separate mailings may be reported on a single mailing statement.

575.25 Simultaneous Mailings From Different Mailing Jobs. If more than one mailing job is active at one time for a given mailer, mailings from each mailing job must be prepared and presented separately, and must be clearly identified as separate mailings from separate jobs. The documentation must contain an identifier that clearly distinguishes between the mailing jobs. Mailing statements presented for individual mailings within the mailing job must bear the appropriate identifier relating it to the appropriate mailing job.

575.26 Resolution of Discrepancies. When the last mailing from a mailing job is presented to the Postal Service, any discrepancies between the mail

presented to and verified by the Postal Service, the mail described in the documentation, and the mail claimed on the corresponding mailing statements submitted for individual mailings (in regard to quantity, rate eligibility, or postage) must be reconciled to the satisfaction of the Postal Service, and any additional postage that may be due must be paid by the mailer.

576 PALLETIZATION OF PRESORTED BARCODED FLAT RATE MAILPIECES

576.1 General Requirements.

576.11 Second-Class Mailings. Second-class barcoded rate flat-size mailings must be prepared as packages on pallets or sacks on pallets as provided by 445.2 or 445.4, except as provided in 576.2 through 576.3. See 445.3, 424.86, 576.2, and 576.3 for copalletizing multiple flats barcoded rate mailings. See 576.2 through 576.4 and 445.3 for copalletizing carrier route and flats barcoded rate mailings.

576.12 Third-Class Mailings. Third-class barcoded rate flat-size mailings must be prepared as packages on pallets or sacks on pallets as provided by 644.1 through 644.16 or 644.4, except as provided in 576.2 through 576.3. See 576.2, 576.3, and 644.18 for copalletizing multiple flats barcoded rate mailings. See 576.2 through 576.4, 644.17, and 644.18 for copalletizing carrier route and flats barcoded rate mailings.

576.2 Pallet Preparation

576.21 Minimum Pallet Weight. The minimum mail load for 5-digit pallets containing either ZIP+4 Barcoded rate mailings or carrier route presort rate mailings prepared as copalletized mailings under 576.4, is 500 pounds.

576.22 Residual Mail. Residual packages (see 573.16) must not be placed on pallets. This mail must be packaged and sacked in accordance with 573.27 and presented with the palletized portion of the mailing.

576.3 Package Preparation

Packages presented on pallets must be prepared according to 572.4 and in the presort sequence required in 573.1.

576.4 Copalletizing ZIP+4 Barcoded Rate and Carrier Route Presort Rate Mailings

576.41 General. Flats barcoded rate mailings may only be copalletized with other flats barcoded rate mailings, or with carrier route presort rate mailings. Flats barcoded rate mailings and carrier route presort rate mailings (including walk sequence) may only be copalletized as provided in 445.3 or 644.17 and 644.18 when they are generated as part of the same mailing job under the provisions of 575.2 and when the requirements of 576.42 and 576.43 are met.

576.42 5-Digit Pallet Preparation. Flats claimed at carrier route presort rates, including walk-sequence rates, must not be placed on the same 5-digit pallet with barcoded flats.

576.43 Pallet Labels. When barcoded flat-size mailings are palletized,the contents line of the pallet label must include the word "BARCODED" as shown in the illustrations below. For additional information concerning pallet labels, see 445.24 and 644.14 as applicable.

NEW TOWN ND, 58763
2C FLATS BARCODED
LFR CO OLD TOWN ME
IRVING TX, 75015
3C FLATS BARCODED
LFR CO OLD TOWN ME

* * * * *

577 FIRST-CLASS NONPRESORTED ZIP+4 BARCODED RATE FOR FLATS

577.1 Rate Eligibility

Pieces that bear the correct ZIP+4 or delivery point barcode prepared under 551, and that meet the requirements of 328.2 through 328.5 and the requirements of this section qualify for the nonpresorted ZIP+4 barcoded rate for flat-size mailpieces. Remaining pieces must meet the requirements of 552, 328.2 through 328.5, and the requirements of this section and qualify for the single-piece First-Class rate.

577.2 Packaging, Sacking, and Documentation

577.21 Preparation for Mailings Not Requiring Documentation.

577.211 Conditions Under Which Mailings Do Not Require Documentation. Each piece in the mailing must be ZIP+4 or delivery point barcoded. In addition, correct postage for the mailing must be affixed to each piece, or it must be possible to ascertain the correct postage by means of weighing. Mailings of identical weight pieces paid by means of permit imprint, and identical weight pieces having an identical amount of precanceled postage affixed fall under this category. If metered, mail must be metered at the Nonpresorted barcoded rate for flats applicable to each mailpiece based on weight. In other situations, the mailing must be prepared as provided in 577.22.

577.212 Packaging. Packages must be prepared in accordance with 572.4. Each package should measure as close to 6 inches in thickness as possible and must be labeled with the "WORKING" optional endorsement line as provided in 572.442, or a facing slip. If a facing slip is used it must be placed on the address side of the top copy in each residual package and bear the word "WORKING" or its authorized abbreviation "WKG."

577.213 Sacking. The packages must be placed in sacks. The sacks should be as full as possible up to the 70 pound maximum. The last sack may be less than full. Sacks must be labeled as follows:

Line 1: Letters "DIS" followed by the city name, two-letter state abbreviation and 3-digit ZIP Code prefix for the SCF serving the entry post office as shown in Exhibits 122.63c and 122.63d
Line 2: FCM, followed by FLATS BARCODED WKG
Line 3: Name of mailer and city and two-letter state abbreviation of mailer's location
Example:
DIS NORTHERN VA, 220
FCM FLATS BARCODED WKG
EXETER CO DUPONT PA

577.22 Mailings Requiring Documentation (Mailings Containing 5-Digit Barcoded Pieces and/or Mailings Requiring Postage Documentation). Pieces not eligible to be mailed without documentation (see 522.211) must be packaged and sacked in one of the following ways. The physical separation option in 577.222 may be used only within mailings of identical weight pieces.

577.221 ZIP Code Sequencing and Listing.

a. Packaging. All pieces must be put in 3-digit ZIP Code sequence and secured into packages in accordance with 572.4. Each package should measure as close to 6 inches in thickness as possible. The packages must be labeled with the "WORKING" optional endorsement line as provided in 572.442, or a facing slip. If a facing slip is used it must be placed on the address side of the top copy in each package and bear the word "WORKING" or its authorized abbreviation "WKG."

b. Sacking. Packages must be placed in sacks. All mail for a particular 3-digit ZIP Code area should be contained in the same sack. The sacks should be as full as possible up to the 70 pound maximum. The last sack may be less than full. Sacks must be labeled as follows:

Line 1: Letters "DIS" followed by the city name, two-letter state abbreviation and 3-digit ZIP Code prefix for the SCF serving the entry post office as shown in Exhibits 122.63c and 122.63d
Line 2: FCM, followed by FLATS BARCODED WKG

Line 3: Name of mailer and city and two-letter state abbreviation of mailer's location

Example:
DIS NORTHERN VA, 220
FCM FLATS BARCODED WKG
EXETER CO DUPONT PA

c. Documentation. The format detailed below should be followed. Each 3-digit ZIP Code contained in the mailing must be listed in ascending numerical order.

(1) Standard Columns and Line Entries for Rates and Totals. For each 3-digit ZIP Code listed show:

(a) The number of pieces that bear a ZIP+4 or delivery point barcode under a column heading "Nonpresorted Barcoded Rate for Flats—ZIP+4 Barcoded."

(b) The number of pieces that bear a 5-digit barcode under a column heading "Single Piece Rate—5-Digit Barcoded."

(c) The cumulative total (the total of all pieces listed for that ZIP Code plus all pieces listed for the preceding 3-digit ZIP Code areas under a column heading "Cumulative Total."

At the end of the listing show the totals of the pieces under each column heading.

(2) Additional Rate Column Listings

(a) First-Class Precanceled Stamped Mailings Containing Pieces of More than 1-Ounce Increment. For nonidentical weight First-Class mailings paid by nondenominated precanceled stamps or precanceled stamps of a denomination less than the lowest rate in the mailing in which postage to cover additional ounces is not affixed, the documentation must contain separate columns for each ounce increment for any pieces listed under 577.221c(1)(a) and 577.221c(1)(b). The column headings must contain the name of the qualifying rate (see 325.14) and type of barcode for the pieces and the weight category.

(b) First-Class Mailings Containing Pieces Subject to the Nonstandard Surcharge. For nonidentical weight or non-identical size mailings in which postage at the exact rate is not affixed to each mailpiece, and which contain both pieces subject to the nonstandard surcharge in 315 and pieces that are not subject to the surcharge, the documentation must contain a separate column to document the number of pieces weighing 1-ounce or less that are subject to the surcharge. The column headings must contain the name of the rate (see 325.14) and an indication that the nonstandard surcharge applies. The additional columns in 577.221c(2)(a) above may also be necessary for particular mailings.

(3) Summary

(a) Rate Categories and Postage Owed. List the rate categories in the mailing from the columns above. For each rate category show the total number of pieces claimed. For permit imprint mailings also show the rate of postage for each category and the total postage due for all pieces claimed at that rate. For each rate category in metered or precanceled stamp mailings show the amount of additional postage due for each rate category (if any) and the total postage due for all pieces claimed at that rate.

(b) Totals. A grand total of the postage charges due for all the rate categories in the entire mailing must also be shown. This grand total shows the amount of postage that must be affixed to the mailing statement or paid through an advance deposit account. The summary must also list the total number of pieces in the mailing that bear a ZIP+4 or delivery point barcode and show the total number of pieces that bear a 5-digit barcode. The percentage of ZIP+4 or delivery point barcoded pieces in the mailing must be shown.

577.222 Physical Separation Option for Mailings of Identical Weight Pieces. Pieces must be separated so that pieces bearing 5-digit barcodes are separately packaged from pieces bearing ZIP+4 or delivery point barcodes. Each package should measure as close to 6 inches in thickness as possible. The packages must be labeled with the "WORKING" optional endorsement line as provided in 572.422, or a facing slip. If a facing slip is used, it must be placed on the address side of the top copy in each package and bear the word "WORKING" or its authorized abbreviation "WKG." The packages containing pieces that are 5-digit barcoded must be placed in sacks separate from sacks containing residual packages of ZIP+4 or delivery point barcoded pieces. The sacks must be separated by contents (5-digit barcode vs. ZIP+4 or delivery point barcode) when presented to the Postal Service for verification. The sacks should be as full as possible up to the 70 pound maximum. The last such may be less than full.

The sacks must be labeled as follows:

a. Sacks Containing ZIP+4 or Delivery Point Barcoded Pieces.

Line 1: Letters "DIS" followed by the city name, two-letter state abbreviation, and 3-digit ZIP Code prefix for the SCF serving the entry post office as shown in, Exhibits 122.63c and 122.63d

Line 2: FCM, followed by FLATS BARCODED WKG

Line 3: Name of mailer and city and two-letter state abbreviation of mailer's location

Example:
DIS NORTHERN VA, 220
FCM FLATS BARCODED WKG
EXETER CO DUPONT PA

b. Sacks Containing 5-Digit Barcodes.

Line 1: Letters "DIS" followed by the city name, two-letter state abbreviation and 3-digit ZIP Code prefix for the SCF serving the entry post office as shown in Exhibits 122.63c and 122.63d

Line 2: FCM, followed by FLTS 5D BARCODE WKG

Line 3: Name of mailer and city and two-letter state abbreviation of mailer location

Example:
DIS NORTHERN VA, 220
FCM FLTS 5D BARCODE WKG
EXETER CO DUPONT PA

BILLING CODE 7710-12-M

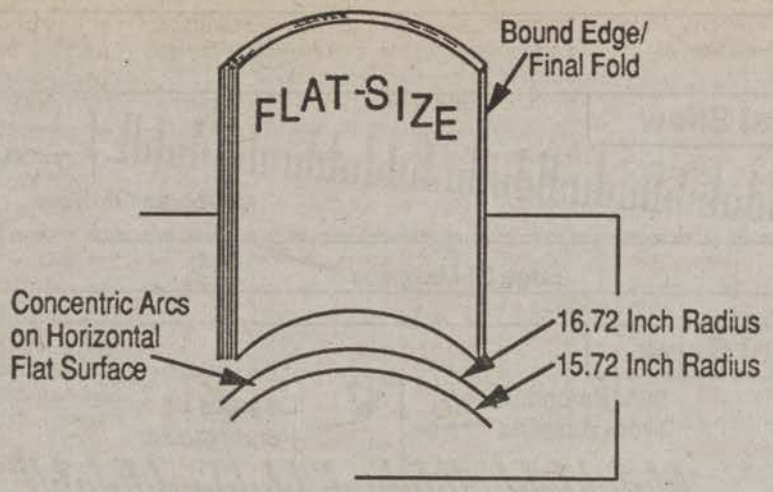
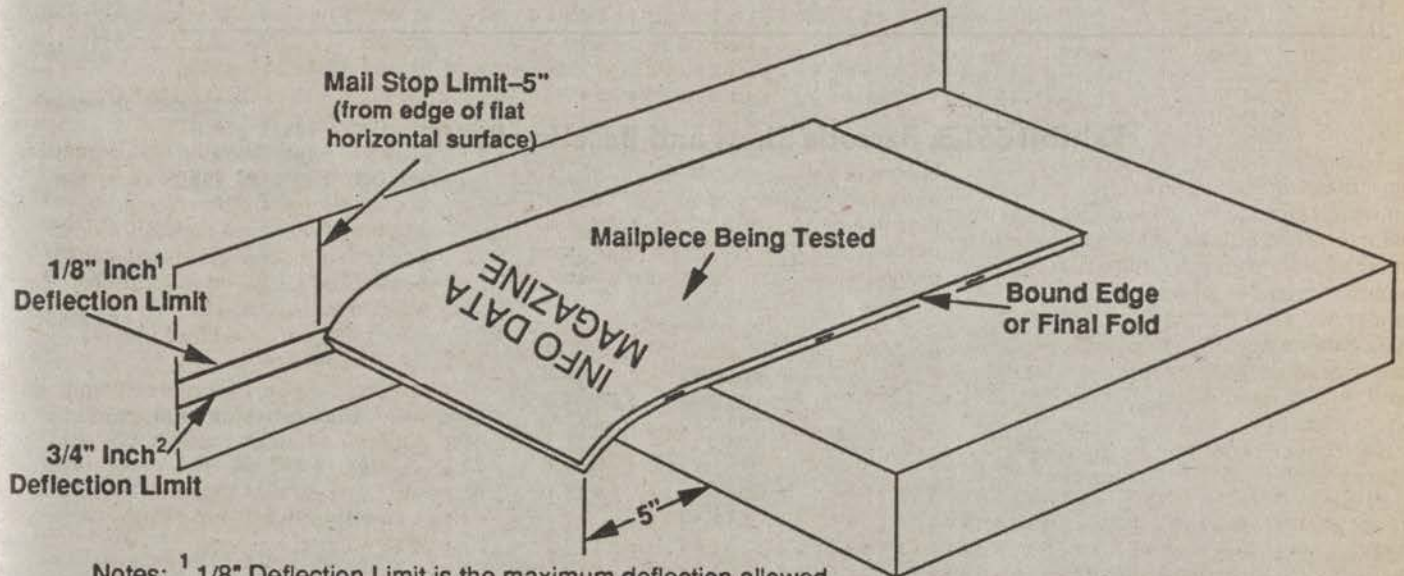


Exhibit 522.161, Establishing Flexibility — Flat-Size Mailpiece



Notes: [1] 1/8" Deflection Limit is the maximum deflection allowed for flat-size mailpieces measuring up to and including 1/8' in thickness.

[2] 3/4" Deflection Limit is the maximum deflection allowed for flat-size mailpieces measuring at least 1/8" but not more than 3/4" in thickness.

Exhibit 522.162, Establishing Rigidity — Flat-Size Mailpiece

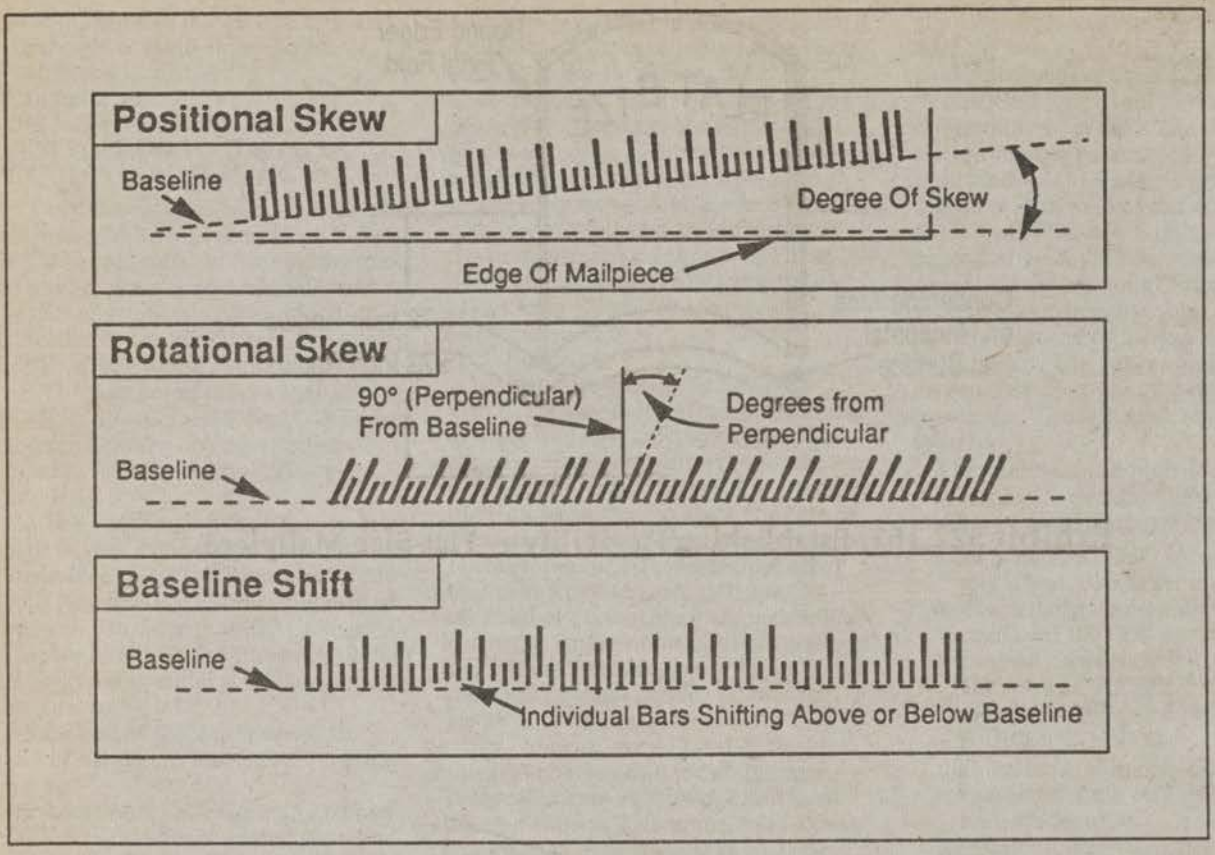


Exhibit 551.5, Barcode Skew and Baseline Shift

5-DIGIT PACKAGES

ZIP Code	3/5 Flats Barcoded Rate Z+4 Barcoded	3/5 Presort Rate 5DG Barcoded	Cumulative Total
16645	423	31	454
17364	502	20	976
17372	213	11	1200
17604	433	45	1678
18042	121	16	1815
18113	398	4	2217
18844	456	5	2678
TOTALS	2546	132	2678

3-DIGIT PACKAGES

ZIP Code	3/5 Flats Barcoded Rate Z+4 Barcoded	3/5 Presort Rate 5DG Barcoded	Cumulative Total
155	263	10	273
166	551	17	841
173	353	11	1205
176	38	2	1245
180	498	6	1749
184	128	16	1893
187	540	36	2469
TOTALS	2371	98	2469

SCF PACKAGES

ZIP Code	Basic Flats Barcoded Rate Z+4 Barcoded	Basic Presort Rate 5DG Barcoded	Cumulative Total
SCF 157	9	0	9
159	7	2	18
SCF 174	6	2	26
175	7	1	34
SCF 182	5	0	39
186	6	0	45
TOTALS	40	5	45

RESIDUAL PACKAGES*

ZIP Code	Basic Flats Barcoded Rate Z+4 Barcoded	Basic Presort Rate 5DG Barcoded	Cumulative Total
168	5	2	7
185	3	0	10
188	5	1	16
TOTALS	13	3	16

SUMMARY

		Postage Rate (per piece)	Postage Charges
Total 3/5 Flat Barcoded Rate	4917	0.170	835.890
Total 3/5 Presort Rate	230	0.187	43.010
Total Basic Flat Barcoded Rate	53	0.208	11.024
Total Basic Presort Rate	8	0.233	1.864
TOTAL POSTAGE DUE FOR MAILING			$ 891.79

Total Pieces With ZIP+4 Barcode: 4970
Total Pieces Without a ZIP + 4 code: 238
Total Pieces in the Mailing: 5208

Percentage of ZIP + 4 coded Pieces: 95.43%

---

* Necessary only if residual is prepared under the listing and sequencing option in 573.272.

Exhibit 574a - Sample Documentation
(Third-Class ZIP + 4 Barcoded Rate Mailing of Flat-Size Mailpieces, Separate Sections by Type of Package)

ZIP Code	3/5 Flats B/C Rate Z+4 B/C	3/5 Presort Rate 5DG B/C	Basic Flats B/C Rate Z+4 B/C	Basic Presort Rate 5DG B/C	Cumulative Total
3DG 155	263	10	0	0	273
SCF 157	0	0	9	0	282
159	0	0	7	2	291
5DG 16645	423	31	0	0	745
3DG 166	551	17	0	0	1313
WKG 168*	0	0	5	2	1320
5DG 17364	502	20	0	0	1842
5DG 17372	213	11	0	0	2066
3DG 173	353	11	0	0	2430
SCF 174	0	0	6	2	2438
175	0	0	7	1	2446
5DG 17604	433	45	0	0	2924
3DG 176	38	2	0	0	2964
5DG 18042	121	16	0	0	3101
3DG 180	498	6	0	0	3605
5DG 18113	398	4	0	0	4007
SCF 182	0	0	5	0	4012
186	0	0	6	0	4018
3DG 184	128	16	0	0	4162
WKG 185	0	0	3	0	4165
3DG 187	540	36	0	0	4742
5DG 18844	456	5	0	0	5202
WKG 188*	0	0	5	1	5208
TOTALS	4917	230	53	8	5208

SUMMARY

		Postage Rate (per piece)	Postage Charges
Total 3/5 Barcoded Flats	4917	0.170	835.89
Total 3/5 Presort Rate	230	0.187	43.01
Total Basic Barcoded Flats Rate	53	0.208	11.024
Total Basic Presort Rate	8	0.233	1.864
TOTAL POSTAGE DUE FOR MAILING			$ 891.79

Total Pieces With ZIP+4 Barcode:	4970
Total Pieces Without a ZIP + 4 code:	238
Total Pieces in the Mailing:	5208

Percentage of ZIP + 4 coded Pieces: 95.43%

---

* Necessary only if residual is prepared under the listing and sequencing option in 573.272.

Exhibit 574b - Sample Documentation
(Third-Class ZIP + 4 Barcoded Rate Mailing of Flat-Size Mailpieces, Continuous ZIP Code Listing)

BILLING CODE 7710-12-C

CHAPTER 6—THIRD-CLASS MAIL

610 Rates and Fees

611 RATES

* * * * *

611.2 Bulk Rates

[Revise Exhibits 611.2a–g as shown on separate sheets.]

* * * * *

611.22 Rate Structure

611.221 Piece and Pound Rates

a. Minimum Per-Piece Rates.

(1) General. [Add to the end of the existing text:] The minimum per-piece rates are divided into two major categories: "letters" (see 661.221a(2)) and "other than letters" (see 661.221a(3)).

(2) "Letters" Category. [Text of existing 661.221a(2)(a); change the reference at the end of the first sentence from "128" to "128.2."]

(3) "Other than Letters" Category. [Text of existing 661.221a(2)(b); change the reference in the first sentence from "128" to "128.2;" add the following to the end of the section:] The ZIP+4 Barcoded discount is applied to the "other than letter" category rates for automation-compatible flat-size mailpieces (see 128.32 and 522) meeting the applicable eligibility criteria.

* * * * *

611.222 Postage Discounts and Reductions.

* * * * *

b. Automation. The following automation-based rates are available only for mailpieces that meet specific physical and preparation requirements and that meet the requirements for either basic or 3/5 presort:

(1) ZIP+4 (see 628.1 and 628.2), for letter-size mailpieces bearing a ZIP+4 code.

(2) ZIP+4 Barcoded (see 628.1 and 628.3), for letter- or flat-size mailpieces bearing a ZIP+4 or delivery point barcode.

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620 Classification

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628 ADDITIONAL CONDITIONS FOR AUTOMATION-BASED BULK THIRD-CLASS RATES

628.1 Conditions Applicable to All Automation-Based Bulk Third-Class Rates

628.11 General

628.111 Definition. The automation-based bulk third-class rates (Basic ZIP+4, 3/5 ZIP+4, Basic ZIP+4 Barcoded, 3-digit ZIP+4 Barcoded, 3/5 ZIP+4 Barcoded, and 5-digit ZIP+4 Barcoded) apply only to mailpieces prepared as specified in 628.1 through 628.3.

628.112 Minimum Quantity. Each mailing at an automation-based bulk third-class rate must contain at least 200 mailpieces or 50 pounds of mailpieces all of the same processing category.

628.113 Physical Mailpiece Requirements for General Automation Compatibility. Each letter-size or flat-size mailpiece in a mailing must meet the requirements of 521 or 522, respectively. The same mailing may contain only pieces of the same processing category (e.g., only letter-size or only flat-size mailpieces) (see 128).

* * * * *

628.14 Presort

628.141 General Requirement. All pieces in an automation-based rate bulk third-class mailing must be presorted together as required by 641 or 560 (for letter-size mail) or by 570 (for flat-size mailpieces as defined in 128.32).

628.142 Rate Eligibility—Letter-Size Mailpieces

[Text of existing section.]

628.143 Rate Eligibility—Flat-Size Mailpieces

a. General. Rate eligibility for flat-size ZIP+4 Barcoded rate mailings is determined by the sortation level of the package in which a mailpiece is placed, regardless of the destination of the sack/pallet to which that package is subsequently sorted. Flat-size mailpieces claimed at a ZIP+4 Barcoded rate cannot be combined on 5-digit pallets with other mailpieces claimed at a carrier route or walk-sequence rate (see 576.42).

b. ZIP+4 Barcoded or Delivery Point Barcoded Mailpieces. Subject to the general eligibility requirements in 628.1 and 628.3, a ZIP+4 barcoded or delivery point barcoded flat-size mailpiece prepared as specified in 572, 573, or 576 can qualify for the following:

(1) 3/5 Flats ZIP+4 Barcoded rate if part of a 5-digit or 3-digit package containing at least 10 addressed pieces.

(2) Basic Flats ZIP+4 Barcoded rate if part of an SCF package containing at least 10 pieces or in a residual package.

c. 5-Digit Barcoded Mailpieces. Subject to the general eligibility requirements in 325.113, a 5-digit barcoded flat-size mailpiece prepared as specified in 572 and 573 or 576 can qualify for the:

(1) 3/5 presort rate if placed in a 5-digit or 3-digit package containing at least 10 addressed pieces.

(2) Basic presort rate if placed in an SCF package containing at least 10 pieces or in a residual package.

628.15 Optional Use of Trays. [Revise the first sentence as follows:] Automation-based rate bulk third-class mailings of letter-size mailpieces (see 128 and 521) may be prepared in trays rather than in sacks as provided in 560 and 647.

* * * * *

628.3 ZIP+4 Barcoded Rates

628.31 General

* * * * *

1628.312 Required Percentage of ZIP+4 Barcoded Mailpieces

(a) Letter-Size Mailpieces. [Text of existing 628.312.]

(b) Flat-Size Mailpieces. Regardless of presort level or rate, at least 85% of the pieces in each mailing must bear the correct ZIP+4 or delivery point barcode, prepared under 551, representing information specified in 530. Remaining pieces must bear the correct 5-digit barcode for the delivery address on the piece, prepared as specified in 552. The address on each piece (regardless of barcode) must contain the correct numeric 5-digit ZIP Code or ZIP+4 code, or the correct numeric equivalent to the delivery point barcode (see 515.3).

(c) Copalletized Mailings or Flat-Size Mailpieces. Mailings of mailpieces claimed at the carrier route rates and mailings of mailpieces claimed at a ZIP+4 Barcoded rate for flats may be copalletized to the 3-digit, SCF, and BMC presort levels; copalletization of such pieces to the 5-digit presort level is prohibited. See 576 for additional information about copalletized mailings. Copalletized pieces in other mailings do not count towards compliance with 628.312b.

* * * * *

628.32 Other Rates

628.321 Mailings of Letter-Size Mailpieces. [Text of existing 628.32.]

628.322 Mailings of Flat-Size Mailpieces. ZIP+4 Barcoded rate mailings may contain pieces claimed at the 3/5 and Basic ZIP+4 Barcoded rates and 3/5 and basic presort levels. Other rates are not available.

628.33 Requirements for OCR Processing

* * * * *

628.36 Optional Sortation of Letter-Size Mailpieces to Automated Sites. Mailers may prepare 3-digit ZIP+4 Barcoded rate mailings of letter-size mailpieces without making 5-digit packages or sacks if:

* * * * *

628.37 Additional Tray and Sack Labeling Requirements

628.371 Letter-Size Mailpieces. The second (contents) line on labels for trays and sacks in ZIP+4 Barcoded rate

mailings of letter-size mailpieces must show the information specified in 641.133 and 641.135 followed by "ZIP+4 BARCODED."

628.372 Flat-Size Mailpieces. The labels for sacks in ZIP+4 Barcoded rate mailings of flat-size mailpieces must show the information specified in 570.

628.38 Letter-Size Mailpieces Prepared with 5-Digit Barcodes and Barcode Windows

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629 MAILPIECE CHARACTERISTICS

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629.2 Physical Limitations

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629.22 Size, Shape, and Ratio (General Standards)

629.221 Maximum Size Standards

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d. Automation-Based Rates. The maximum sizes for mailpieces at these rates are described in 128.2 and 521 (for letter-size mailpieces) and 128.32 and 522 (for flat-size mailpieces).

629.222 Minimum Size Standards.

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g. The minimum size for flat-size mailpieces claimed at a ZIP+4 Barcoded rate is as prescribed in 128.32 and 522.

* * * * *

629.4 Optional Use of Detached Address Labels for Flats

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629.48 Automation-Based Rates. Mailings prepared under 629.4 are not eligible for any automation-based rate.

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644 PALLETIZATION

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644.1 Packages and Bundles Presented on Pallets

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644.12 Package Preparation

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644.123 Sortation.

a. [Change the end of the first sentence and add the second sentence as follows.] "* * * as required in 573.123, 573.143, 573.153, and 573.16, for automation-based rate flat-size mailpieces, or 641.122a through 641.122e and 641.41. Preparation of SCF packages are required for barcoded rate flat-size mailings presented on pallets (see 576.3)."

* * * * *

644.124 Package Labels

a. [Change the first sentence to read as follows.] "Mailers must label packages with either pressure-sensitive labels as provided in 572.441, 641.122a through 641.122e, and 641.41, or the optional endorsement line as provided in 572.442 or 642."

* * * * *

644.14 Pallet Preparation

* * * * *

644.141 Weight and Volume

a. [Add the following at the end of this section.] "* * * (Exception: The minimum mail load for 5-digit pallets prepared under 576 is 500 pounds.)"

* * * * *

644.143 Pallet Labels

* * * * *

d. Additional Information. [Add the following at the end of the regular text in the current sections.] "Pallets containing automation-compatible flat-size mailpieces prepared under 576 must show the word BARCODED on the contents line. Pallets containing copalletized ZIP+4 Barcoded rate and carrier route presortrate mailings prepared under 576.4 must show the words BARCODED/CARRIER ROUTES (or its authorized abbreviation (CAR RTS), on the contents line. The word BARCODED must not be abbreviated on the contents line.

* * * * *

644.17 Commingling Mixed Rate Level Mailings on Pallets

644.171 General. The procedures and requirements in 644.172 through 644.176 apply to mailers who want to present packages of third-class mail that are subject to more than one presort level rate on the same pallet as follows:

a. Non-Automation Rate Mailings. Mailers must obtain an authorization to commingle carrier route presort, 3/5 presort, and basic rate mail on the same pallet.

b. Non-Automation and Automation-Based Rate Mailings. Mailers must obtain an authorization to commingle packages subject to carrier route presort rates with packages subject to flats barcoded rates. Packages from automation-based rate mailings may be commingled with packages subject to non-automation rates only under 576.4 (copalletization of flats barcoded mailings and carrier route presort mailings.)

c. Flats Barcoded Mailings. Mailers do not need to obtain an authorization to commingle mixed rate level mailings when only flats barcoded mailings are presorted on pallets (see 576).

* * * * *

644.175 Preparation

a. Summary Listing. [Add the following note at the end of the current section after subsection (b).] Note: Mailers who copalletize carrier route and ZIP+4 Barcoded rate flats under 576.4 must also list the number of pieces that qualify for the 3/5-digit barcoded rate for flats by 5-digit and 3-digit ZIP Code, and the number of pieces that qualify for the basic barcoded rate for flats by 3-digit ZIP Code.

* * * * *

c. Pallet Preparation

* * * * *

(2) Indicating Placement. [Add the following at the end of the current section.] When preparing copalletized carrier route and flats barcoded rate mailings under 576, mailers must place all carrier route rate packages together and all packages from flats barcoded mailings together and must indicate to the postal personnel verifying the mail how the packages are placed on pallets (e.g., carrier route mail is placed on the bottom and flats barcoded mail is placed on the top).

* * * * *

644.18 Copalletizing Multiple Bulk Third-Class Flat-Size Mailings

644.181 General. [Add the following note after the current section.] Note: Mailers may copalletize packages from carrier route presort flat-size mailings on pallets with packages from flats barcoded rate mailings provided all carrier route pieces are generated as part of the same mailing job as the barcoded pieces with which they are copalletized under 576.4.

* * * * *

644.186 Preparation

a. Summary List. [Add the following note at the end of the current section after subsection (6).] Note: Mailers who copalletize carrier route mailings and flats barcoded rate mailings under 576.4 must also list the number of pieces that qualify for the 3/5-digit flats barcoded rate by 5-digit and 3-digit ZIP Code, and the number of pieces that qualify for the basic flats barcoded rate by 3-digit ZIP Code.

* * * * *

b. Pallet Preparation for Copalletized Flat-Size Mail

* * * * *

(4) Indicating Placement. [Add the following at the end of the current section.] When preparing copalletized carrier route mailings and flats barcoded rate mailings under 576.4, mailers must place all carrier route rate packages together and all packages from barcoded rate mailings together and must indicate to the postal personnel verifying the mail how the packages are placed on pallets (e.g., carrier route mail is placed on the bottom and flats barcoded rate mail is on the top).

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644.4 Palletizing Sacks

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644.42 Package Preparation. [Change this section to read as follows.] "See 572.4, 573.1, 641.12, and 641.41."

644.43 Sack Preparation.

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644.432 Sack Labeling. [Change the end of the first sentence as follows.] "* * * in 572.53, 573.233, 573.243, 573.253, 573.254, 573.263, 573.27, 641.13, 641.22, and 641.42, as appropriate."

* * * * *

644.433 Sack Sortation. [Change this section to read as follows.] "See 573.2, 641.13, and 641.42."

644.44 Pallet Preparation

644.441 Weight and Volume

a. [Add the following at the end of this section.] "* * * (Exception: The minimum mail load for 5-digit pallets prepared under 576 is 500 pounds.)"

* * * * *

644.443 Pallet Labels

* * * * *

d. Additional information. [Add the following at the end of the regular text in the current section.] "Pallets containing automation-compatible flat-size mailpieces prepared under 576 must show the word BARCODED on the contents line. Pallets containing copalletized ZIP+4 Barcoded rate and carrier route presort rate mailings prepared under 576.4 must show the words BARCODED/CARRIER ROUTES (or its authorized abbreviation "CAR RTS), on the contents line. The word BARCODED must not be abbreviated on the contents line.

* * * * *

660 Payment of Postage

661 METHOD OF PAYMENT

* * * * *

661.3 Bulk Mailings at Automation-Based Rates

661.31 Permit Imprint (See 145)

661.311 Identical-Weight Pieces. [Revise the first and second sentences as follows:] Mailings of identical-weight mailpieces may have postage paid by permit imprint. Mailings at automation-based (ZIP+4 and ZIP+4 BARCODED) rates must be accompanied * * *

* * * * *

661.32 Meter Stamps

* * * * *

661.322 Correct Postage Affixed to Each Piece

* * * * *

b. ZIP+4 Barcoded Rate Mailings. [Revise the beginning of the first sentence as follows:] Letter-size mailpieces qualifying for * * * [Add the following as a new second sentence:] Flat-size mailpieces qualifying for the Basic ZIP+4 Barcoded rate and the 3/5 ZIP+4 Barcoded rate are metered at the respective rate for which they qualify.

* * * * *

661.323 Lowest Rate in Mailing Affixed to Each Piece

* * * * *

b. ZIP+4 Barcoded Mailings—Letter-Size Mailpieces

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c. ZIP+4 Barcoded Mailings—Flat-Size Mailpieces. When all pieces in a mailing of identical-weight flat-size mailpieces prepared under 570 have meter or precanceled postage affixed, each piece may bear the correct postage for the 3/5 ZIP+4 Barcoded rate provided the applicable documentation requirements in 574.3 or 575 are met. Additional postage for pieces qualifying for the Basic ZIP+4 Barcoded rate, as shown in the documentation required by 574.3 or 575, must be paid either by a meter-strip affixed to the mailing statement required to accompany the mailing, or through an advance deposit account as provided for in Handbook F-1, 524.

* * * * *

661.4 ZIP+4 Barcoded Rate Combined Letter-Size Mailings With Different Postage Payment Methods

661.41 General.

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c. Each piece in the combined mailings meets the physical requirement of 521.

* * * * *

BILLING CODE 7710-12-M

Rate or Discount	Regular			Special		
	.2067 lb. (3.3067 oz.) or less (per piece)		More than .2067 lb. (3.3067 oz.) (per piece + per pound) All pieces	.2085 lb. (3.3367 oz.) or less (per piece)		More than .2085 lb. (3.3367 oz.) (per piece per pound) All pieces
	Letters	Other than Letters		Letters	Other than Letters	
BASE RATE (Basic Presort)	$0.198	$0.233	$0.109/pc. + 0.600/lb.	$0.111	$0.146	$0.063/pc. + 0.398/lb.
DISCOUNTS						
Presort						
3/5	$0.033	$0.046	$0.046/pc.	$0.013	$0.014	$0.014/pc.
Carrier Route	0.067	0.091	0.091/pc.	0.037	0.045	0.045/pc.
125-Piece W-S	----	0.096	0.096/pc.	----	0.047	0.047/pc.
Saturation W-S	0.074	0.106	0.106/pc.	0.040	0.052	0.052/pc.
Dest. Entry						
BMC	$0.012	$0.012	$0.058/lb.	$0.012	$0.012	$0.058/lb.
SCF	0.017	0.017	0.081/lb.	0.017	0.017	0.081/lb.
Delivery Unit	0.022	0.022	0.104/lb.	0.022	0.022	0.104/lb.
Automation						
ZIP + 4	.1563 lb. (2.5 oz.) maximum	NOT AVAILABLE		.1563 lb. (2.5 oz.) maximum	NOT AVAILABLE	
(Basic Presort)	$0.009			$0.007		
(3/5 Presort)	0.004			0.004		
ZIP + 4 Barcoded	.1875 lb. (3.0 oz.) maximum	Automation-Compatible Flats (See 522) 1.0 lb. (16 oz.) maximum		.1875 lb. (3.0 oz.) maximum	Automation-Compatible Flats (See 522) 1.0 lb. (16 oz.) maximum	
(Basic Presort)	**$0.019**	**$0.025**	**$0.025/pc.**	**$0.017**	**$0.025**	**$0.025/pc.**
(3-digit sort)	**0.011**	**0.017**	**0.017/pc.**	**0.010**	**0.017**	**0.017/pc.**
(5-digit sort)	**0.019**	**0.017**	**0.017/pc.**	**0.017**	**0.017**	**0.017/pc.**

Note: The discounts shown are subtracted from the base rate to yield the net postage that must be paid. Each automation discount is in addition to a specific presort discount. Some addressed pieces may be eligible for more than one discount. Some combinations of discounts may be required or prohibited. See 624 for the eligibility requirements that apply to each discount.

Exhibit 611.2a, Summary of Third-Class Rates and Discounts

Entry Discount	Nonautomation-Based Rates				Automation-Based Rates				
	Basic	3/5	Carrier Route	Saturation	Basic ZIP + 4	3/5 ZIP + 4	Basic Barcoded	3-Digit Barcoded	5-Digit Barcoded
None	$0.198	$0.165	$0.131	$0.124	$0.189	$0.161	$0.179	$0.154	$0.146
BMC	0.186	0.153	0.119	0.112	0.177	0.149	0.167	0.142	0.134
SCF	0.181	0.148	0.114	0.107	0.172	0.144	0.162	0.137	0.129
Delivery Unit	----	----	0.109	0.102	----	----	----	----	----

Note: See 521.3 and 628.113 for additional weight restrictions for automation-based rates.

Exhibit 611.2b, Regular Bulk Third-Class Letter-Size Minimum Per Piece Rates for Pieces Weighing .2067 Lb. (3.3067 Oz.) or Less

Entry Discount	Nonautomation-Based Rates					Automation-Based Rates				
	Basic	3/5	Carrier Route	125-PC W-S	Saturation	Basic ZIP + 4	3/5 ZIP + 4	Basic Barcoded	3-Digit Barcoded	3/5-Digit Barcoded
None	$0.233	$0.187	$0.142	$0.137	$0.127	----	----	$0.208	----	$0.170
BMC	0.221	0.175	0.130	0.125	0.115	----	----	0.196	----	0.158
SCF	0.216	0.170	0.125	0.120	0.110	----	----	0.191	----	0.153
Delivery Unit	----	----	0.120	0.115	0.105	----	----	0.186	----	0.148

Note: Automation-based rates available only for automation-compatible flats (see 522).

Exhibit 611.2c, Regular Bulk Third-Class Nonletter-Size Minimum Per Piece Rates for Pieces Weighing .2067 Lb. (3.3067 Oz.) or Less

Per Piece/Pound	Nonautomation-Based Rates					Automation-Based Rates				
	Basic	3/5	Carrier Route	125-PC W-S	Saturation	Basic ZIP + 4	3/5 ZIP + 4	Basic Barcoded	3-Digit Barcoded	3/5-Digit Barcoded
Per Piece Rates (for all entry categories)	$0.109	$0.063	$0.018	$0.013	$0.003	----	----	$0.084	----	$0.046
			Plus					Plus		
Per Pound Rates (by entry discount)										
None	$0.600	$0.600	$0.600	$0.600	$0.600	----	----	$0.600	----	$0.600
BMC	0.542	0.542	0.542	0.542	0.542	----	----	0.542	----	0.542
SCF	0.519	0.519	0.519	0.519	0.519	----	----	0.519	----	0.519
Delivery Unit	----	----	0.496	0.496	0.496	----	----	----	----	----

Note: Each piece is subject to both a piece and a pound rate.

Note: Automation-based rates available only for automation-compatible flats (see 522).

Exhibit 611.2d, Regular Bulk Third-Class Piece/Pound Rates for Pieces Weighing More Than .2067 Lb. (3.3067 Oz.)

Entry Discount	Nonautomation-Based Rates				Automation-Based Rates				
	Basic	3/5	Carrier Route	Saturation	Basic ZIP + 4	3/5 ZIP + 4	Basic Barcoded	3-Digit Barcoded	5-Digit Barcoded
None	$0.111	$0.098	$0.074	$0.071	$0.104	$0.094	$0.094	$0.088	$0.081
BMC	0.099	0.086	0.062	0.059	0.092	0.082	0.082	0.076	0.069
SCF	0.094	0.081	0.057	0.054	0.087	0.077	0.077	0.071	0.064
Delivery Unit	----	----	0.052	0.049	----	----	----	----	----

Note: See 521.3 and 628.113 for additional weight restrictions for automation-based rates.

Exhibit 611.2e, Special Bulk Third-Class Letter-Size Minimum Per Piece Rates for Pieces Weighing .2085 Lb. (3.3367 Oz.) or Less

Entry Discount	Nonautomation-Based Rates					Automation-Based Rates				
	Basic	3/5	Carrier Route	125-PC W-S	Saturation	Basic ZIP + 4	3/5 ZIP + 4	Basic Barcoded	3-Digit Barcoded	3/5-Digit Barcoded
None	$0.146	$0.132	$0.101	$0.099	$0.094	----	----	$0.121	----	$0.115
BMC	0.134	0.120	0.089	0.087	0.082	----	----	0.109	----	0.103
SCF	0.129	0.115	0.084	0.082	0.077	----	----	0.104	----	0.098
Delivery Unit	----	----	0.079	0.077	0.072	----	----	0.099	----	0.093

Note: Each piece is subject to both a piece and a pound rate.

Note: Automation-based rates available only for automation-compatible flats (see 522).

Exhibit 611.2f, Special Bulk Third-Class Nonletter-Size Minimum Per Piece Rates for Pieces Weighing .2085 Lb. (3.3367 Oz.) or Less

Per Piece/Pound	Nonautomation-Based Rates					Automation-Based Rates				
	Basic	3/5	Carrier Route	125-PC W-S	Saturation	Basic ZIP + 4	3/5 ZIP + 4	Basic Barcoded	3-Digit Barcoded	3/5-Digit Barcoded
Per Piece Rates (for all entry categories)	$0.063	$0.049	$0.018	$0.016	$0.011	----	----	$0.038	----	$0.032
			Plus					Plus		
Per Pound Rates (by entry discount)										
None	$0.398	$0.398	$0.398	$0.398	$0.398	----	----	$0.398	----	$0.398
BMC	0.340	0.340	0.340	$0.340	0.340	----	----	0.340	----	0.340
SCF	0.317	0.317	0.317	0.317	0.317	----	----	0.317	----	0.317
Delivery Unit	----	----	0.294	0.294	0.294	----	----	----	----	----

Note: Each piece is subject to both a piece and a pound rate.

Note: Automation-based rates available only for automation-compatible flats (see 522).

Exhibit 611.2g, Special Bulk Third-Class Piece/Pound Rates for Pieces Weighing More Than .2085 Lb. (3.3367 Oz.)

BILLING CODE 7710-12-C

Domestic Mail Manual Issue 44, September 20, 1992, will include these changes. Notice of issuance will be published in the **Federal Register** as provided by 39 CFR 111.3.

Neva R. Watson,

Attorney, Legislative Division.

[FR Doc. 92–15985 Filed 7–9–92; 8:45 am]

BILLING CODE 7710–12–M

POSTAL SERVICE

Changes in Certain Postal Rates and Mail Classifications

AGENCY: Postal Service.

ACTION: Changes in domestic postal rates and mail classifications for bulk mailings of First-, second-, and third-class flat-shaped mail pieces that are pre-barcoded by mailers and are automation compatible.

SUMMARY: Pursuant to its authority under 39 U.S.C. 3625, the Postal Service is implementing the changes indicated below in domestic postage rates and mail classifications for pre-barcoded First-, second-, and third-class flat-shaped mail.

EFFECTIVE DATE: September 20, 1992.

FOR FURTHER INFORMATION CONTACT: Scott Reiter, (202) 268–2999.

SUPPLEMENTARY INFORMATION: On June 21, 1991, the Postal Service filed, pursuant to chapter 36, title 39, United States Code, a request with the Postal Rate Commission for a recommended decision on the establishment of rate categories and discounts for bulk mailings of pre-barcoded, automation compatible, flat-shaped mail. An explanation of the Postal Service's proposal and an invitation to participate in Commission Docket No. MC91–1 was published in the **Federal Register** by the Postal Rate Commission on July 1, 1991 (56 FR 29983–84).

On March 19, 1992, the Postal Rate Commission issued its Opinion and Recommended Decision. The Commission recommended the classifications requested by the Postal Service and recommended rates for those classifications.

In a Decision adopted on May 4, 1992, the Governors of the Postal Service approved this Recommended Decision. The Board of Governors of the Postal Service ordered that the changes in rates and mail classification become effective at 12:01 a.m. on September 20, 1992.

In accordance with these actions by the Governors and the Board of Governors, the Postal Service hereby gives notice that the rate and classification changes listed below will become effective at 12:01 a.m. on September 20, 1992. Implementing regulations are published elsewhere in this issue.

Authority: 39 U.S.C. 101(d), 401, 403, 404, 3621, 3625, 3626.

Neva R. Watson,

Attorney, Legislative Division.

The Domestic Mail Classification Schedule is amended to add the underlined text:

100.020 Regular Mail

Regular First-Class Mail consists of mailable matter posted at First-Class *Mail* regular rates, weighing 11 ounces or less, and not mailed or eligible for mailing under sections 100.0201, 100.0203, 100.0204, *100.0205, 100.0206,* 100.021, 100.0211, or 100.023.

100.0205 Nonpresorted Pre-barcoded Flats

Nonpresorted pre-barcoded First-Class Mail flats consist of properly prepared First-Class Mail flat size pieces which are presented in mailings of 250 or more pieces, bear a barcode as prescribed by the Postal Service, and meet the flats machinability and address readability specifications of the Postal Service. Such flats must be presented for mailing in a manner which does not require cancellation.

100.0206 Presorted Pre-barcoded Flats

Presorted pre-barcoded First-Class Mail flats consist of properly prepared First-Class Mail flat size pieces which are presented in mailings of 500 or more pieces, bear a barcode as prescribed by the Postal Service, are presorted to the 3/5-digit ZIP Code level in a manner prescribed by the Postal Service, and meet the flats machinability and address readability specifications of the Postal Service. Such flats must be presented for mailing in a manner which does not require cancellation.

100.041 First-Class Mail mailed under sections 100.0203, 100.0204, *100.0206,* 100.0214 and 100.0232 must be presorted in accordance with regulations prescribed by the Postal Service.

100.042. First-Class Mail mailed under sections 100.0203, 100.0204, *100.0206,* 100.0214 and 100.0232 must be prepared as follows: * * *

[No changes are proposed for the remainder of § 100.042.]

100.047 Pieces mailed under sections 100.0201, 100.0202, 100.0203, 100.0204, *100.0205, 100.0206,* 100.0211, and 100.023 must be prepared as follows: * * *

[No changes are proposed for subsections a. or b. of § 100.047]

c. Pieces not within the same postage increment may be mailed at ZIP+4 rate category or pre-barcoded ZIP+4 presorted mail rates *or presorted pre-barcoded flat rates* only when specific methods approved by the Postal Service for ascertaining and verifying postage are followed.

d. Pieces mailed at presorted ZIP+4 rate category or pre-barcoded ZIP+4 presorted mail rates *or presorted pre-barcoded flat rates* must be properly prepared and presorted as prescribed by the Postal Service.

200.098 Pre-barcoded flats

Pre-barcoded second-class mail flats which are properly prepared and presorted, which bear a barcode as prescribed by the Postal Service, and which meet the flats machinability and address readability specifications of the Postal Service, are eligible for the applicable discounts for prebarcoded second-class flats set forth in Rate Schedules 200, 201, 202, and 203.

300.023 Bulk Rate Presort Categories

Bulk rate mail sent under section 300.021 must meet the conditions of sections 300.0231, 300.0232, 300.0233, 300.0324, 300.0235, 300.0236, 300.0237, *300.0238,* 300.0239, *300.02310,* or 200.02311, to be eligible for the applicable rate.

300.0238 Pre-barcoded flats

Pre-barcoded third-class mail flats consist of bulk rate third-class mail flat size pieces which are properly prepared and presorted, bear a barcode as prescribed by the Postal Service, and meet the flats machinability and address readability specifications of the Postal Service. Such flats must be presented for mailing in a manner which does not require cancellation.

Rate Schedule 100, First-Class Mail, is amended as follows: Letters, Nonpresort, First ounce:

Change "ZIP+4" to "ZIP+4 Letters"

Add as the last line: "Pre-barcoded Flats—26.7 [9]"

Letters, Presort, First ounce, 3 and 5 Digit:

Change "ZIP+4" to "ZIP+4 Letters"

Change "Pre-barcode—3 Digit" to "Pre-barcoded Letters—3 Digit"

Change "Pre-barcode—5 Digit" to "Pre-barcoded Letters—5 Digit"

Add as the last line: "Pre-barcoded Flats—23.3"

Rate Schedule 200, Second-class Mail, Regular Rate Publications, Outside County; Rate Schedule 202, Publications of Authorized Nonprofit Organizations, Outside County; and Rate Schedule 203, Classroom Publishers, Outside County are amended as follows:

[9] Notes: Add: "Nonpresorted pre-barcoded flat mail must be properly prepared and submitted in mailings of at least 250 pieces."

Automation Discounts for Automation Compatible Mail From Required:
Change "ZIP+4" to "ZIP+4 Letter Size"
Change "Pre barcode" to "Pre-barcoded Letter Size"
Add as the last line: "Pre-barcoded Flats—Piece—2.3"
Automation Discounts for Automation Compatible Mail From 3/5 Digit:
Change "ZIP+4" to "ZIP+4 Letter Size"
Change "3-Digit Prebarcode" to "3-Digit Pre-barcoded Letter Size"
Change "5-Digit Prebarcode" to "5-Digit Pre-barcoded Letter Size"
Add as the last line: "Pre-barcoded Flats—Piece—1.5"

Rate Schedule 201, Second-class Mail: In-County, is amended as follows:
Automation Discounts for Automation Compatible Mail From Required:
Change "ZIP+4" to "ZIP+4 Letter Size"
Change "5-Digit Prebarcode" to "5-Digit Pre-barcoded Letter Size"
Add as the last line:
"3/5-Digit Pre-barcoded Flats—1.5"
Rate Schedule 301, Third-Class Mail: Regular Bulk; and Rate Schedule 302, Third-Class Mail: Nonprofit Bulk are amended as follows:
Non-Letter Size
Piece Rate
Discounts
Add as the last section:
"Automation [7]
Barcode [4]
Basic—2.5
3/5 Digit—1.7"
Non-Letter Size
Pound Rate
Discounts
Add as the last section:
"Automation [7] (per piece)
Barcode [4]
Basic—2.5
3/5 Digit—1.7"

[FR Doc. 92-15984 Filed 7-9-92; 8:45 am]
BILLING CODE 7710-12-M

[7] Notes: Add: For flat size pieces meeting applicable Postal Service regulations."

federal register

Friday
July 10, 1992

Part III

Department of the Interior

Bureau of Indian Affairs

Fort Mojave Indian Reservation, Clark County, Nevada; San Bernardino County, California, and Mohave County, Arizona; Availability of a Final Environmental Impact Statement; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Availability of a Final Environmental Impact Statement; Fort Mojave Indian Reservation, Clark County, Nevada, San Bernardino County, California, and Mohave County, Arizona

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that a Final Environmental Impact Statement (FEIS) for two proposed leases of approximately 1,328 acres on the Fort Mojave Indian Reservation for mixed residential, commercial and recreational development projects in Clark County, Nevada, San Bernardino County, California, and Mohave County, Arizona, is available for final public review. This notice is furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR part 1503 and § 1506.9) to obtain comments from government agencies and the public on the FEIS.

DATES: Written comments should be received on or before August 14, 1992. Comments are solicited and should be directed to the Bureau of Indian Affairs (BIA) at the address provided below.

ADDRESSES: Comments should be addressed to: Mr. Wilson Barber, Jr., Area Director, Bureau of Indian Affairs, Phoenix Area Office, P.O. Box 10, Phoenix, Arizona, 85001.

FOR FURTHER INFORMATION CONTACT: Ms. Amy L. Heuslein, Area Environmental Protection Officer, Bureau of Indian Affairs, Phoenix Area Office, Environmental Quality Services, P.O. Box 10, Phoenix, Arizona. Telephone (602) 379–6750.

Individuals wishing copies of this FEIS for review should immediately contact the above individual or Kiva Environmental & Planning Consultants, at (602) 494–9719. Copies of the FEIS have been sent to all agencies and individuals who participated in the scoping process, public hearings, and to all others who have already requested copies of the document.

SUPPLEMENTARY INFORMATION: The Bureau of Indian Affairs (BIA), Department of the Interior, in cooperation with the Fort Mojave Indian Tribe, the U.S. Army Corps of Engineers and the U.S. Coast Guard have prepared a Final Environmental Impact Statement on the proposal to lease approximately 1,328 acres of the Fort Mojave Indian Reservation in Clark County, Nevada, San Bernardino County, California, and Mohave County, Arizona. The Fort Mojave Indian Tribe has developed a master plan for a planned community on their reservation lands in Nevada and a portion in California. The FEIS describes the proposed actions, alternatives, affected environment and evaluates the anticipated impacts of two proposed lease sites with each area to be leased to the same developer.

The lessee, James F. Temple, proposes to lease (Mojave Valley Resort—Site 1) approximately 528 acres of Indian trust land in Clark County, Nevada, and San Bernardino County, California, for a period of 65 years with a 20-year renewal option under the terms and conditions of a lease agreement. The proposed action is the development of a portion of the Fort Mojave Tribe's master planned community which would include five 1,000-room hotels/casinos, 460,000 square feet of commercial space, 650 condominiums, an 18-hole golf course with associated facilities, public use areas, open space and wetlands.

The lessee also proposes to lease (Mojave Valley Resort—Site 2) approximately 800 acres of Indian trust land in Mojave County, Arizona, for a period of 75 years with a 20-year renewal option under the terms and conditions of a lease agreement. The proposed action for this lease site would be the construction of a residential development area across the Colorado River from Mojave Valley Resort—Site 1. The development would include 110,000 square feet of commercial space, 2,240 condominiums, 2,880 apartments, 500 mobile home spaces, 750 recreational vehicle spaces, an 18-hole golf course, public use areas and open space.

Both actions are designed to provide additional lease income for the Fort Mojave Indian Tribe and would also provide employment opportunities for Tribal members. The current goals of the Fort Mojave Tribal Council include enhancement of economic development on the reservation, an increase in Tribal revenues, and employment and training opportunities.

The principal alternatives for each proposed lease site under consideration (Sites 1 and 2) have been analyzed and evaluated in the draft EIS (October 1991) and final EIS. The alternatives for the Mojave Valley Resort—(Site 1—Nevada/California) the 528 acre lease site are based on the following: (1) A planned destination resort with small residential community. Alternative 2 would reduce the proposal to three 1,500-room hotels/casinos instead of five 1,000-room hotels/casinos. The commercial area, public use and roadway acreage would be reduced by approximately 50 per cent. The acreage of the condominiums would be about the same as the proposed action, however, the density would be lower. This alternative would also include 25 acres of single family housing. The golf course would be reduced by 16 acres but located in the same area as the proposed action. (2) Alternative 3 proposed for the Mojave Valley Resort—(Site 1) would be for the community acreage to be oriented towards seasonal visitors. There would be three 1,000-room hotels/casinos, and the proposed resort would be reduced to approximately 300 acres with the remainder of acres of the lease-hold left as open space. The residential acreage would be reduced by 20 per cent, the commercial land use would be eliminated, public use areas would be reduced by 50 per cent, while the golf course would be reduced to nine holes. (3) Alternative 4 (Wetlands Mitigation) is a new alternative discussed in the FEIS for Site 1, which provides mitigation for filling in the existing wetlands (404 permit process). The golf course would include 82 acres of new wetland habitat. This alternative is the Preferred Alternative for Site 1. (4) The No Action Alternative discusses the aspect that the lease would not be approved and that the proposed Site 1 development project would not be considered. This alternative would result in the current land use (undeveloped state).

The alternatives for the Mojave Valley Resort (Site 2—Arizona) 800 acre lease site include the following: (1) Alternative 2 reduces the number of acres of multi-family housing (condominiums and apartments) and would add over 300 acres of single-family housing. This alternative would increase the population to 1,000 more residents than the proposed action. This alternative provides the same amount of mobile home spaces, RV spaces, commercial and public use areas, open space and golf course acreage as the Site 2 proposed action alternative. (2) Alternative 3 would involve reducing residential dwelling units by 5,252 (over 50% reduction), which reduces the number of acres of condominiums and apartments, and removes the mobile home park and RV park while adding over 300 acres of open space. The overall total number of dwelling units would be approximately 40 per cent less while the total acreage proposed to be developed would be 401 acres. This alternative would create a less dense community and population. (3) The No Action alternative for Site 2 would be the same as lease Site 1 discussed above except that the current land use is part

agricultural land and an undeveloped state.

Other government agencies and members of the public have contributed to the planning and evaluation of the proposals and to the preparation of this FEIS. The scoping process for the Mojave Valley Resort EIS involved several scoping phases. The first phase started with the publication of a Notice of Intent (NOI) in the February 5, 1990, **Federal Register** for the Mojave Valley Resort's proposed lease sites on the Fort Mojave Indian Reservation. Scoping meetings were held on February 13, 14 and 15, 1990, in Laughlin, Nevada; Bullhead City, Arizona; and Las Vegas, Nevada, respectively, in order to obtain input from Federal, State, local agencies along with comments from Tribal and the interested public.

The original NOI published in the February 5, 1990, **Federal Register**, also discussed another lease proposal on the Fort Mojave Indian Reservation that was to be evaluated in this document. The Mojave Highlands 750 acre lease proposal in Clark County, Nevada, will be covered in another DEIS to be published in the near future. The BIA made a decision in January 1991 to separate the Mojave Valley Resort lease site proposals from the Mojave Highlands lease site proposal.

A Notice of Availability (NOA) for the Mojave Valley Resort Draft EIS was published in the **Federal Register** on October 22, 1991. Public hearings were conducted on November 12, 13 and 14, 1991, in Needles, California; Riviera (Bullhead City), Arizona; and Las Vegas, Nevada, respectively. The Draft EIS was available for public review and comment from October 22 to December 31, 1991.

Agencies and individuals are urged to provide comments on this Final EIS within 30 days after publication in the **Federal Register**. All comments received by August 14, 1992, will be considered in preparation of the Record of Decision (ROD) for the two proposed actions for Sites 1 and 2.

This notice is published pursuant to § 1503.1 of the Council of Environmental Quality Regulations (40 CFR, parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 437 et seq.) Department of the Interior Manual (516 DM 1–7) and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: July 1, 1992.

Wilson Barber, Jr.,

Phoenix Area Director.

[FR Doc. 92–16158 Filed 7–9–92; 8:45 am]

BILLING CODE 4310–02–M

federal register

Friday
July 10, 1992

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Parts 71 and 91

Alteration of the Houston Terminal Control Area and the Revocation of the Houston William P. Hobby Airport, Airport Radar Service Area; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 71 and 91

[Airspace Docket No. 90-AWA-12]

Alteration of the Houston Terminal Control Area and the Revocation of the Houston William P. Hobby Airport, Airport Radar Service Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Houston, TX, Terminal Control Area (TCA). The new TCA configuration will encompass two primary airports: Houston Intercontinental and William P. Hobby. The revised TCA will consist of airspace from the surface or higher to and including 10,000 feet above mean sea level (MSL) within a 30-mile radius of Houston Intercontinental Airport and a 20-mile radius of William P. Hobby Airport. This action will increase the capability of air traffic control (ATC) to provide service in the TCA environment to aircraft transitioning to and from the en route structure. William P. Hobby Airport is currently served by an Airport Radar Service Area (ARSA) which is being rescinded concurrent with the alteration of this TCA.

EFFECTIVE DATE: 0901 u.t.c., October 15, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9255.

SUPPLEMENTARY INFORMATION:

Background

The TCA program was developed to reduce the midair collision potential in the congested airspace surrounding airports with high density air traffic by providing an area in which all aircraft will be subject to certain operating rules and equipment requirements.

The density of traffic and the type of operations being conducted in the airspace surrounding major terminals increase the probability of midair collisions. In 1970, an extensive study found that the majority of midair collisions occurred between a general aviation (GA) aircraft and an air carrier, military, or another GA aircraft. The basic causal factor common to these conflicts was the mix of uncontrolled aircraft operating under visual flight rules (VFR) and controlled aircraft operating under instrument flight rules (IFR). TCA's provide a method to accommodate the increasing number of IFR and VFR operations. The regulatory requirements of TCA airspace afford the greatest protection for the greatest number of people by providing ATC with an increased capability to provide aircraft separation service, thereby minimizing the mix of controlled and uncontrolled aircraft.

To date, the FAA has established a total of 29 TCA's. The FAA is proposing to take action to modify or implement the application of these proven safety techniques to more airports to provide greater protection of air traffic in the airspace regions most commonly used by passenger-carrying aircraft.

Suspension of Certain Aircraft Operations From the Mode C Transponder Requirement

On December 5, 1990, the FAA published Special Federal Aviation Regulation (SFAR) No. 62 which suspends, until December 30, 1993, certain provisions of the regulation which requires the installation and use of automatic altitude-reporting (Mode C) transponders (55 FR 50302). SFAR No. 62 provides access to specified airports within 30 miles of a TCA-primary airport (Mode C veil) for aircraft without Mode C transponders. The FAA believes that the operation of an aircraft without a Mode C transponder can be safely accommodated provided that the operation is conducted in areas not currently within ATC radar coverage and not used predominantly by pilots of aircraft that are required to install and use traffic alert and collision avoidance systems (TCAS) equipment.

SFAR No. 62 identified 17 airports within the Houston Intercontinental TCA Mode C veil where aircraft not equipped with Mode C transponders can operate at and below 1,200 feet above ground level (AGL): (1) Within a 2-nautical-mile radius of a listed airport; and (2) along a direct route between that airport and the outer boundary of the Mode C veil.

The designation of William P. Hobby Airport as a TCA-primary airport will extend the TCA Mode C veil to include the airspace within a 30-nautical-mile radius of that airport. Thirteen additional airports are being excluded from the Mode C requirement under SFAR No. 62 as a result of the revised Houston TCA Mode C veil. These airports are located approximately 25 to 30 miles from William P. Hobby Airport and outside the current Houston Intercontinental TCA Mode C veil. The 13 airports to be added to SFAR No. 62 are:

(1) Ausinia Ranch Airport, Texas City, TX (TS50)
(2) Bailes Airport, Angleton, TX (7R9)
(3) Covey Trails Airport, Fulshear, TX (80XS)
(4) Creasy Airport, Santa Fe, TX (5TA5)
(5) Custom Aire Service Airport, Angleton, TX (81D)
(6) Flying C Ranch Airport, Needville, TX (XS25)
(7) Garrett Ranch Airport, Danbury, TX (77XS)
(8) H&S Airfield Airport, Damon, TX (XS21)
(9) HHI Hitchcock Heliport, Hitchcock, TX (6TA5)
(10) Johnnie Volk Field Airport, Hitchcock, TX (37R)
(11) Lane Airpark Airport, Rosenberg, TX (T54)
(12) Meyer Field Airport, Rosharon, TX (TA33)
(13) Prairie Aire Field Airport, Damon, TX (4TA0)

Additionally, Houston-Southwest (AXH) and Houston-Hull Airport (SGR), Houston, TX, are being removed from the current list of airports at which operations in noncompliance with the Mode C transponder equipment requirement are permitted. Houston-Southwest Airport is located approximately 13 nautical miles from William P. Hobby Airport. Houston-Hull Airport is located approximately 19 nautical miles from William P. Hobby Airport. Due to the radar coverage over these airports by the radar equipment at William P. Hobby Airport, operations in the vicinity of these airports, or along the most direct routing between these airports and the outer boundary of the revised Houston TCA Mode C veil, no longer meet the criteria for exclusion from the Mode C transponder equipment requirement.

Specifically, continuing the exclusion for operations in the vicinity of these airports would result in the display of radar targets without associated altitude information on ATC radar scopes, thus adversely affecting the safety benefits associated with the Mode C transponder equipment requirement.

User Group Participation

The alteration to the existing TCA and expansion of the area to include the William P. Hobby Airport in the configuration is the product of discussions with a broad representation of the aviation community. In conjunction with this action, the FAA will continue to work cooperatively with local user groups to ensure that the TCA is effective for all users by identifying any adjustments or modifications that appear necessary. Through joint FAA and user cooperation, any problems that

arise can then be identified and corrective action taken when necessary.

This TCA configuration as adopted has been developed through substantial public participation. Informal airspace meetings were held on July 20 and 21, 1988, to allow local aviation interests and airspace users an opportunity to provide input on the design of the proposed Houston TCA. The Houston Ad Hoc Airspace Committee, which represented a cross section of the aviation community, was formed; technical assistance and support were supplied by an FAA representative from the Southwest Region. Following the informal meetings and extensive coordination with the airspace user groups, a tentative TCA configuration was prepared for public discussion. As a result of those efforts, the FAA further adjusted the proposed TCA to the configuration published in the Notice of Proposed Rulemaking (NPRM) on June 14, 1991 (56 FR 27654).

Discussion of Comments

In response to the NPRM, the FAA received 17 written comments from pilots and owners of aircraft, other individuals, local government agencies, and aviation trade and industry associations. One of the letters had multiple signatures. Another letter enclosed petitions with multiple signatures on each page. The FAA has completed a thorough analysis of the comments and has amended the final TCA design as contained in the rule. The FAA believes that this final TCA design promotes the safe and efficient use of the airspace, while satisfying ATC and user requirements.

The following is a summary of the public comments and the agency's response:

Four commenters objected to lowering the TCA floor from 3,000 to 2,000 feet MSL over the David Wayne Hooks Airport. They expressed concern that a lower TCA floor could create hazardous conditions for nonparticipating aircraft operating below the floor in the vicinity of the airport by permitting large turbojet aircraft to operate at even lower altitudes. The FAA disagrees with these conclusions; lowering the floor of the TCA to 2,000 feet MSL will not permit lower approaches, but will contain existing procedures which permit aircraft inbound to Houston Intercontinental Airport to cross David Wayne Hooks Airport either at or descending to 2,000 feet MSL in TCA designated airspace.

Three commenters who were opposed to the requirement for including the airspace from 20 to 30 miles in the TCA suggested using extensions or arrival and departure corridors. FAA date indicates that, while corridors do provide a degree of safety to arriving and departing aircraft in the terminal environment, they do not provide adequate airspace to vector, sequence, and meter effectively the vast numbers of aircraft served in major terminal areas today. The primary concern in any proposed TCA action is providing the highest degree of safety while preserving the most efficient use of the available terminal airspace. The use of corridors would decrease the capacity to accommodate airspace users in most terminals because of the differing performance characteristics of aircraft.

One commenter was concerned about the removal of Houston-Southwest and Houston-Hull Airports from the Mode C Veil exemption list. This commenter stated that a number of aircraft based at these airports do not have electrical systems and would be forced to move. The FAA does not agree with this statement since § 91.215(b)(3) specifically excludes aircraft without an electrical system from the Mode C requirements for operations in a Mode C veil provided such operations are conducted outside the TCA.

The Aircraft Owners and Pilots Association (AOPA) and the Experimental Aircraft Association (EAA) objected to extending the lateral limits of the TCA from 20 to 30 nautical miles and recommended cutouts for airports, based on the maximum 20-mile circumference of the proposed TCA. They also recommended that Genoa and Ellington Airports be excluded from the William P. Hobby Airport surface area and that the ceiling of the TCA be limited to 8,000 feet MSL. The FAA agrees partially with this particular recommendation and has revised the TCA design to provide a cutout for Ellington Airport, thereby removing it from the surface area. However, the Genoa Airport will remain within the inner circle, or surface area, of the William P. Hobby Airport. The recommendation to limit the ceiling will be addressed later in this document.

A petition submitted by West Houston Airport suggested that the ceiling of the proposed TCA be limited to 7,000 feet and objected to the expansion of the lateral limits to 30 miles. The petitioners stated that "There are no existing and valid facts to substantiate the expansion of the TCA" and further asserted that "There have been no midair collisions in the Houston area * * * The Houston airspace has an enviable safety record partly due to the low number of operations" at the airports. The commenters further stated that, while enplanements have substantially increased at both Houston Intercontinental and William P. Hobby Airports, the actual operations have decreased. An FAA analysis of the total airport operations for Houston Intercontinental and William P. Hobby Airports showed an increase in operations during the 1990 fiscal year; an increase of 16,436 operations from 310,477 at Houston Intercontinental Airport and an increase of 10,040 operations from 267,326 at William P. Hobby Airport. The FAA believes that increased passenger enplanements and total airport operations coupled with increased use of the airspace by aircraft having differing performance characteristics justify expansion of the TCA to 10,000 feet MSL and 30 miles. In addition, the airspace was limited to a 20-mile radius south of William P. Hobby Airport because the volume of traffic beyond that radius did not warrant the protection of a TCA environment.

One commenter expressed concern over reduced access through the east/west flyway. The FAA shares this concern and in the final rule has increased the vertical limits of the flyway from the present 1,800 feet to 2,000 feet MSL. In addition, the horizontal limits of the flyway have been enhanced to increase the available airspace between the surface areas at Houston Intercontinental and William P. Hobby Airports.

The Air Transport Association (ATA) concurred with the configuration of the proposed TCA with the exception of the upper limits, which is suggested should be established at 12,500 feet MSL. The FAA believes that the ceiling of 10,000 feet MSL is all that is currently necessary to accommodate aircraft operations and air traffic control procedures. The ceiling of 10,000 feet MSL combined with the Mode C requirements of the Federal Aviation Regulations will provide sufficient airspace to contain traffic within the Houston terminal complex.

The Air Line Pilots Association (ALPA) strongly recommended that instrument approach procedures into William P. Hobby Airport be modified to contain arrivals within the TCA. ALPA also recommended that at least 500 feet of separation be provided between aircraft within the TCA and uncontrolled traffic below the floor of the TCA. A TCA is designed to include only that airspace necessary to contain the operations of participating aircraft. While the idea of creating buffers below the TCA floor may appear advantageous, it would eliminate airspace for nonparticipating aircraft to

maneuver below or circumnavigate the TCA airspace. Standard Instrument Approach Procedures (SIAP) revisions will be reviewed and revised appropriately by the FAA regional office.

Several commenters expressed concerns about "compression" of VFR traffic below the TCA around Houston-Southwest and the inability to conduct practice instrument approach procedures, as published, without entering the proposed TCA. The FAA believes that the TCA configuration will not impede the pilots' desire to remain outside the TCA airspace to practice instrument approaches. Additionally, procedure turn altitudes may be altered to accommodate the practice area and airspace.

The existence of a TCA will not preclude accessibility to the airspace nor ATC services by properly certificated pilots in properly equipped aircraft. A request for clearance to operate within the TCA is a viable alternative. The TCA as configured will provide optimum use of the airspace to contain required aircraft operations and enhance aviation safety in the Houston terminal complex.

The Rule

These amendments to parts 71 and 91 of the Federal Aviation Regulations modify the TCA at the Houston Intercontinental Airport and establish William P. Hobby Airport as a TCA-primary airport within that TCA. This action raises the upper limits of the TCA to 10,000 feet MSL and encompasses the airspace within a 30-mile radius of Houston Intercontinental Airport and a 20-mile radius of William P. Hobby Airport. This action will enable ATC to provide terminal ATC service to arriving and departing aircraft in a TCA environment while transitioning to and from the en route structure. William P. Hobby Airport is currently being served by an ARSA which is rescinded concurrent with the amendment to this TCA. This TCA accommodates current traffic flows and provides a greater degree of safety in known areas of congestion involving controlled IFR and uncontrolled VFR operations. Consequently, the FAA has determined that the inclusion of William P. Hobby Airport in the Houston TCA is in the interest of flight safety and will result in a greater degree of protection for the largest number of people during flight in the terminal areas. In addition, this action will enhance air traffic procedures and simplify VFR transient operations outside the TCA airspace. The descriptions of TCA's and ARSA's are published in §§ 71.401(b) and 71.501 respectively of FAA Handbook 7400.7 effective November 1, 1991, which is incorporated by reference in 14 CFR 71.1. The amendments listed in this document will be published subsequently in §§ 71.401(b) and 71.501 of the Handbook.

SFAR No. 62 is being amended to include 13 additional airports and to remove 2 airports from the list of airports at which certain operations are excluded from the Mode C transponder requirement. This action will allow operations to and from those airports and along routes which are not within air traffic control radar coverage and not predominantly used by aircraft required to install and use traffic alert and collision avoidance systems equipment.

Regulatory Evaluation Summary

Introduction

This section summarizes the regulatory evaluation prepared by the FAA that provides more detailed information on estimates of the economic consequences of this rule. This summary and the full evaluation quantify, to the extent practicable, estimated costs and benefits of the rule to the private sector, consumers, and Federal, State, and local governments.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis for all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A major rule is one that is likely to result in an annual effect on the economy of $100 million or more, a major increase in consumer costs, or a significant adverse effect on competition.

The FAA has determined that this rule is not "major" as defined in the executive order. Therefore, a full regulatory impact analysis, which includes the identification and evaluation of cost-reducing alternatives to the rule, has not been prepared. Instead, the agency has prepared a more concise document termed a "regulatory evaluation," which analyzes only this rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section contains a final regulatory flexibility determination required by the 1980 Regulatory Flexibility Act (P.L. 96-354) and an international trade impact assessment. If the reader desires more detailed economic information than this summary contains, then he or she should consult the regulatory evaluation contained in the docket.

Costs

The FAA estimates the total cost of implementing the rule to be $1.2 million (discounted, 15 years) in 1990 dollars. This estimate represents costs to the FAA for additional ATC personnel and revisions to aeronautical charts. GA aircraft operators are not expected to incur any costs as a result of the rule. These costs are discussed below.

For the FAA, the rule will impose costs for two additional controllers at Houston Terminal Radar Approach Control Facility. The discounted cost of the two controllers will be $1,180,000 at 10 percent over 15 years. No additional equipment requirements are anticipated as a result of the rule.

For GA aircraft operators, the rule will impose no monetary costs for avionics equipment. Costs incurred by aircraft operators without Mode C transponders have already been accounted for by the Mode C rule. The potentially affected GA aircraft operators are assumed to have already acquired the other types of avionics equipment (such as operable two-way radio and VOR) that are required for entering a TCA. The only aircraft without Mode C transponders would be non-electrical and antique types. Costs to these types of aircraft have already been accounted for by the Mode C rule.

Costs to balloonists, parachutists, ultralight and sailplane owners, or fixed base operators will be negligible. Letters of agreement and cutoffs may be executed, where advisable, to minimize any adverse effect on these operators.

Another cost component of the rule will be the revision of aeronautical charts to reflect the change of the airspace around the Houston Intercontinental Airport and William P. Hobby Airport. The change will be incorporated during the routine updating and printing of the charts so that all costs associated with printing aeronautical charts are subsumed within the normal reprinting costs. However, to depict the revised airspace configuration of the Houston TCA, the map plates of four aeronautical charts will have to be modified: Sectional, terminal area, en route low altitude, and en route high altitude. Also, the VFR Flyway Chart will require modification. The National Oceanic Service, the agency responsible for the publication and distribution of aeronautical charts, estimates the total one-time discounted costs (10 percent, 1

year) of these map plate changes to be $57,000.

In summary, the total estimated cost of this rule is the sum of the costs to the FAA for additional personnel and revision of aeronautical charts, or $1.2 million (discounted, 15 years) in 1990 dollars.

Benefits

The rule is expected to generate potential benefits primarily in the form of enhanced safety to the aviation community and the flying public. Enhanced safety will take the form of reduced aviation fatalities and property damage as a result of a lowered risk of midair collisions due to increased positive control in the airspace to be established as the Houston TCA. Other benefits would be expected to accrue in the form of improved operational efficiency of FAA air traffic controllers.

Since deregulation of the airline industry in 1978, passenger enplanements and aircraft operations, particularly part 121 (large transport category aircraft) have increased greatly. (At William P. Hobby Airport, air carrier operations more than tripled between 1978 and 1988). As a result, the risk of potential midair collisions also increased. Since 1978, the FAA has implemented additional regulatory initiatives primarily aimed at mitigating this potential safety problem. These initiatives include modification of selected TCA's and the conversion of Terminal Radar Service Areas (TRSA's) into ARSA's. Most recently, the FAA implemented rules expanding Mode C requirements and mandating TCAS on certain aircraft.

The rule is expected to increase benefits in terms of enhanced safety to the aviation community and the flying public. Enhanced safety will take the form of fewer midair collisions as a result of more efficient separation of aircraft in congested areas.

Because midair collisions involving part 135 aircraft and especially 121 aircraft are rare, the FAA reviewed data of critical near midair collisions (CNMAC) for 1986 and 1987 involving aircraft operations in 23 TCA's and a random sample of 23 of the 79 ARSA's that existed in 1988. The review revealed that TCA's have approximately 68 percent fewer CNMAC's annually, on average, than ARSA's. As a result, if the ARSA at William P. Hobby Airport remained intact and the Mode C and TCA rules were not in effect, the William P. Hobby Airport terminal area would be expected to experience an average of 1.6 CNMAC's annually, or 25 CNMAC's over the next 15 years. However, with the conversion of the ARSA to a TCA, this figure is expected to reduce to an average of 0.5 CNMAC's annually or 8 CNMAC's over the next 15 years. Thus, over the next 15 years, the rule could result in the reduction of 17 (25 −8) CNMAC's.

Many of these potential CNMAC's will not occur as predicted because the Mode C and TCAS rules are in effect and William P. Hobby Airport already lies within the current Houston TCA Mode C veil. Consequently, the safety benefits of the rule and the Mode C and TCAS rules cannot be estimated independently of each other.

Another potential benefit of the rule will be improved operational efficiency of air traffic controllers. Under the rule, Mode C transponder requirements will ease controller workload per controlled aircraft because of the reduction in radio communications. This decrease in controller workload will be partially offset by the increase in workload resulting from the increased amount of TCA controlled airspace around Houston, TX. Other types of benefits made possible by the two additional ATC controllers will be in the form of significant reductions in the number of VFR aircraft requests denied and VFR aircraft delayed during busy periods. Therefore, the potential benefits of improved operational efficiency, which are difficult to quantify, will also be attributed to this rule.

The expanded TCA airspace around Houston Intercontinental Airport will yield potential benefits by lowering the risk of CNMAC's and improving the operational efficiency of ATC. However, because the airspace around Houston Intercontinental Airport is already controlled by a TCA and reaps the benefits of a TCA, it is difficult to determine to what extent the risk of CNMAC's is reduced. The reduction in risk is not expected to be as great as the conversion of the ARSA to a TCA at William P. Hobby Airport.

Comparison

The total cost of implementing the Houston TCA is estimated to be $1.2 million (discounted, 15 years). The potential safety benefits of the rule will be the lowered risk of midair collisions by expanding the present Houston Intercontinental TCA to include the William P. Hobby ARSA. The precise number of midair collisions avoided and their respective monetary values cannot be estimated independent of the Mode C and TCAS rules. However, the FAA contends that, even with the Mode C and TCAS rules in effect, the estimated cost of the TCA relative to the reduction in the risk of midair collisions and the improved operational efficiency of ATC makes the rule cost-beneficial. In addition, even when the potential cost of the TCA is added to the costs of other TCA's and ARSA's (only those established since Phase I of Mode C) plus the costs of the Mode C and TCAS rules, the total collective costs, $848.1 million, are still less than the total collective benefits, valued at $2,217 million.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted to ensure that small entities are not unnecessarily and disproportionately burdened by Government regulations. The RFA requires agencies to review rules that may have "a significant economic impact on a substantial number of small entities."

As stated in the Cost section of this evaluation, the rule will have no independent monetary impact on the aviation public and, therefore, it will have no cost impact on small entities. Thus, a regulatory flexibility analysis is not required.

International Trade Impact Assessment

The rule will affect only U.S. terminal airspace operating procedures at and in the vicinity of Houston, TX. The rule will not impose a competitive trade advantage or disadvantage on foreign firms in the sale of aviation products or services in the United States. In addition, domestic firms will not incur a competitive trade advantage or disadvantage in the sale of U.S. aviation products or services in foreign countries.

Federalism Implications

The regulation herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this regulation will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons discussed under "Regulatory Evaluation," the FAA has determined that this regulation is not major under Executive Order 12291 and is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is certified that this regulation will not have a significant economic impact, either positive or negative, on a substantial number of small entities.

List of Subjects

14 CFR Part 71

Airport radar service areas, Airspace, Aviation safety, Incorporation by reference, Navigation (Air), Terminal control areas.

14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Reporting and recordkeeping requirements.

The Amendment

Accordingly, pursuant to the authority delegated to me, parts 71 and 91 of the Federal Aviation Regulations (14 CFR parts 71 and 91) are amended as follows:

PART 91—[AMENDED]

Part 91 is amended as follows:

Special Federal Aviation Regulation No. 62—Suspension of Certain Aircraft Operations From the Transponder With Automatic Pressure Altitude Reporting Capability Requirement

1. The authority citation for Special Federal Aviation Regulation No. 62 continues to read as follows:

Authority: 49 U.S.C. app. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 et seq.; E.O. 11514, 35 FR 4247, 3 CFR, 1966–1970 Comp., p. 902; 49 U.S.C. 106(g).

2. Special Federal Aviation Regulation No. 62 is amended by revising section 2, paragraph (10), to read as follows:

* * * * *

(10) Airports within a 30-nautical-mile radius of the Houston Intercontinental Airport and the William P. Hobby Airport.

Airport name	Arpt. ID	Alt. (AGL)
Ainsworth Airport, Cleveland, TX	OT6	1,200
Ausinia Ranch Airport, Texas City, TX.	TS50	1,200
Bailes Airport, Angleton, TX	7R9	1,200
Biggin Hill Airport, Hockley, TX	TX49	1,200
Cleveland Municipal Airport, Cleveland, TX.	6R3	1,200
Covey Trails Airport, Fulshear, TX.	80XS	1,200
Creasy Airport, Santa Fe, TX	5TA5	1,200
Custom Aire Service Airport, Angleton, TX.	81D	1,200
Fay Ranch Airport, Cedar Lane, TX.	OT2	1,200
Flying C Ranch Airport, Needville, TX.	XS25	1,200
Freeman Property Airport, Katy, TX.	61T	1,200
Garrett Ranch Airport, Danbury, TX.	77XS	1,200
Gum Island Airport, Dayton, TX	3T6	1,200
H & S Airfield Airport, Damon, TX.	XS21	1,200
Harbican Airpark Airport, Katy, TX.	9XS9	1,200
Harold Freeman Farm Airport, Katy, TX.	8XS1	1,200
HHI Hitchcock Heliport, Hitchcock, TX.	6TA5	1,200
Hoffpauir Airport, Katy, TX	59T	1,200
Horn-Katy Hawk International Airport, Katy, TX.	57T	1,200
Johnnie Volk Field Airport, Hitchcock, TX.	37R	1,200
King Air Airport, Katy, TX	55T	1,200
Lake Bay Gall Airport, Cleveland, TX.	OT5	1,200
Lake Bonanza Airport, Montgomery, TX.	33TA	1,200
Lane Airpark Airport, Rosenberg, TX.	T54	1,200
Meyer Field Airport, Rosharon, TX.	TA33	1,200
Prairie Aire Field Airport, Damon, TX.	4TA0	1,200
R W J Airpark Airport, Baytown, TX.	54TX	1,200
Westheimer Air Park Airport, Houston, TX.	5TA4	1,200

* * * * *

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS, JET ROUTES, AND AREA HIGH ROUTES

3. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

4. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.7, Compilation of Regulations, published April 30, 1991, and effective November 1, 1991, is amended as follows:

Section 71.401(b)—Terminal Control Areas

* * * * *

Houston, TX [Revised]

Primary Airports

Houston Intercontinental Airport (lat. 29°58'49"N., long. 95°20'22"W.)
William P. Hobby Airport (lat. 29°38'43"N., long. 95°16'43"W.)
Ellington Field (lat. 29°36'26"N., long. 95°09'31"W.)
Humble VORTAC (IAH) (lat. 29°57'24"N., long. 95°20'44"W.)
Hobby VOR/DME (HUB) (lat. 29°39'00"N., long. 95°16'44"W.)

Boundaries

Area A. That airspace extending upward from the surface to and including 10,000 feet MSL bounded by a line beginning at the intersection of the Humble VORTAC (IAH) 8-mile arc and the IAH VORTAC 090° radial; thence clockwise along the IAH VORTAC 8-mile arc to the IAH VORTAC 069° radial; thence east along the IAH VORTAC 069° radial to the 10-mile arc of IAH VORTAC thence clockwise along the 10-mile arc to the IAH VORTAC 090° radial thence west to point of beginning; and that airspace bounded by a line beginning at lat. 29°45'36"N., long. 95°21'57"W.; to lat. 29°45'45"N., long. 95°11'46"W.; thence clockwise along the Hobby VOR/DME (HUB) 8-mile DME arc to intercept Beltway 8, thence south to intercept the 4.6-mile radius of Ellington Field, thence west to the 5.5-mile DME arc of HUB, thence clockwise to Interstate 45, thence southeast to the 7-mile DME arc clockwise to the HUB 156° radial thence north along the HUB 156° to the HUB VOR/DME 6-mile arc clockwise to the HUB 211° radial then south along the HUB 211° to HUB VOR/DME 8-mile arc clockwise to point of beginning.

Area B. That airspace extending upward from 2,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of State Highway 59 and the HUB VOR/DME 15-mile arc, thence counterclockwise along the HUB VOR/DME 15-mile arc to the intersection of HUB VOR/DME 15-mile arc and the IAH VORTAC 15-mile arc, thence counterclockwise along the IAH VORTAC 15-mile arc to the intersection IAH VORTAC 15-mile arc and Westheimer Road (lat. 29°44'06"N., long. 95°28'46"W.), thence southwest to and along State Highway 59 to the point of beginning excluding Areas A and C.

Area C. That airspace extending upward from 3,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of State Highway 59 and the IAH VORTAC 20-mile DME arc, thence clockwise along the IAH VORTAC 20-mile DME arc to the intersection of the IAH VORTAC 20-mile DME arc and Interstate 10, west on Interstate 10 to the HUB VOR/DME 15-mile arc, thence counterclockwise along the HUB VOR/DME 15-mile arc to the IAH VORTAC 15-mile DME arc, thence counterclockwise along the IAH VORTAC 15-mile DME arc to the intersection of the IAH VORTAC 15-mile DME arc and Westheimer Road, thence southwest to and along State Highway 59 to the point of beginning; and that airspace beginning at the Intersection of HUB VOR/DME 15-mile arc and HUB 156° radial then north along the HUB 156° radial to the HUB VOR/DME 10-mile arc clockwise along the HUB 10-mile arc to HUB 211° radial then south along the HUB 211° radial to Intersect the 15-mile arc to point of beginning.

Area D. That airspace extending upward from 4,000 feet MSL to and including 10,000 feet MSL bounded by a line beginning at the intersection of State Highway 59 and the IAH VORTAC 30-mile DME arc, thence clockwise along the IAH VORTAC 30-mile DME arc to Interstate 10, west along Interstate 10 to the HUB VOR/DME 20-mile arc, thence clockwise along the HUB VOR/DME 20-mile arc to State Highway 59, thence southwest on State Highway 59 to the point of beginning excluding Areas A, B, and C.

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Section 71.501—Airport Radar Service Areas

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William P. Hobby, TX [Removed]

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Issued in Washington, DC, on June 30, 1992.

Barry Lambert Harris,

Acting Administrator.

Appendix—Houston, Texas, Terminal Control Area

Note: This appendix will not appear in the Code of Federal Regulations.

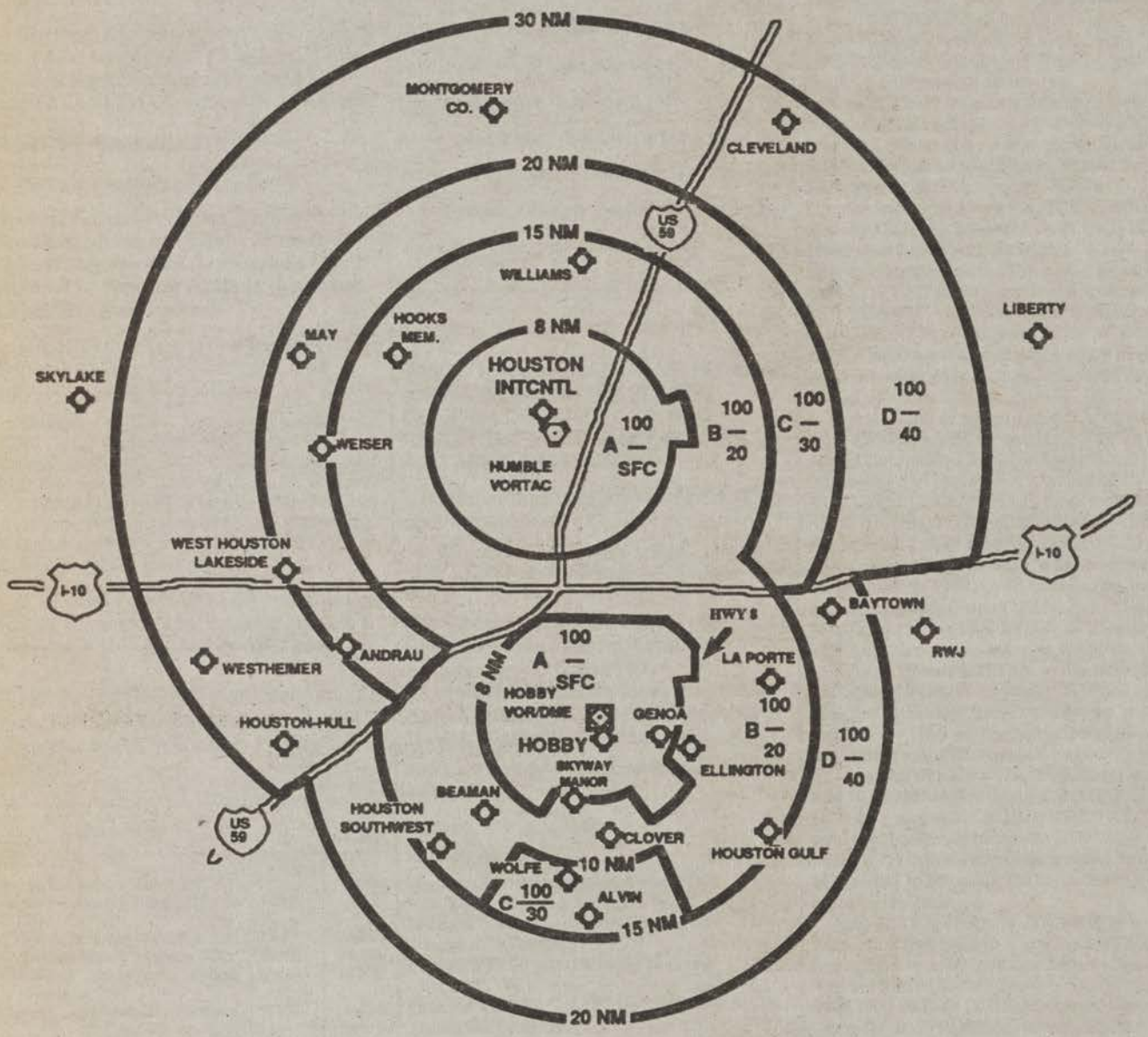
BILLING CODE 4910-13-M

HOUSTON, TEXAS
TERMINAL CONTROL AREA

HOUSTON INTERCONTINENTAL AIRPORT
FIELD ELEVATION- 98 FEET

HOBBY AIRPORT
FIELD ELEVATION - 47 FEET

(Not to be used for navigation)



Graphic prepared by the
FEDERAL AVIATION ADMINISTRATION
Cartographic Standards Branch
(ATP - 220)

[FR Doc. 92-15918 Filed 7-9-92; 8:45 am]
BILLING CODE 4910-13-C

federal register

Friday
July 10, 1992

Part V

Department of Education

34 CFR Part 668

Student Assistance General Provisions; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 668

RIN 1840-AB44

Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the Student Assistance General Provisions. These amendments are necessary to implement the Student Right-to-Know and Campus Security Act, Public Law 101-542, as amended by the Higher Education Technical Amendments of 1991, Public Law 102-26. The proposed regulations would require an institution of higher education to disclose information about completion or graduation rates and campus safety policies and procedures to current and prospective students and employees.

DATES: Comments must be received on or before August 24, 1992.

ADDRESSES: All comments concerning these proposed regulations should be addressed as follows: Ms. Carney M. McCullough, Chief, Policy Section, Pell Grant Branch, U.S. Department of Education, 400 Maryland Avenue, SW., room 4318, Regional Office Building 3, Washington, DC 20202-5346.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Paula M. Husselmann, Senior Program Specialist, Pell Grant Branch, U.S. Department of Education, 400 Maryland Avenue, SW., room 4318, ROB-3, Washington, DC 20202-5346. Telephone: (202) 708-7888. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: The Student Assistance General Provisions (34 CFR part 668) apply to all institutions that participate in the student financial assistance programs authorized by title IV of the Higher Education Act of 1965, as amended (HEA). The proposed changes in these regulations are necessary to implement the changes to the HEA made by the Student Right-to-Know and Campus Security Act, Public Law 101-542, as amended by the Higher Education Technical Amendments of 1991, Public Law 102-26.

Summary of Proposed Changes

Section 668.12 Institutional Participation Agreement

The regulations governing the institutional participation agreement, which is required of any institution participating in a program under title IV of the HEA, would be revised to include a requirement that an institution certify that it has established a campus security policy, is implementing that policy, and is in compliance with the disclosure requirements of the HEA regarding campus security policies and crime statistics.

Section 668.41 Scope

Public Law 101-542 expands the types of "consumer information" that institutions must disclose to students, employees, and others to include completion or graduation rates and information about campus security policies and crime statistics. Section 668.41 would be revised to reflect these new statutory responsibilities.

Section 668.46 Completion or Graduation Rate

This new section would put in place section 485(a)(1)(L) of the HEA, which requires an institution to disclose, through appropriate publications and mailings, its completion or graduation rate of full-time certificate-seeking or degree-seeking undergraduate students. The statute requires an institution to make these disclosures to current and prospective students by July 1, 1993 and annually thereafter. An institution must disclose this information to prospective students before they enroll or enter into any financial obligation. The Secretary otherwise has broad regulatory flexibility in defining completion or graduation rates.

New § 668.46(a) provides that the completion or graduation rate to be disclosed by an institution is the rate at which its full-time, certificate-seeking or degree-seeking undergraduate students who are enrolling for the first time at that institution, and have not previously enrolled at any other institution of higher education, either complete or graduate from their programs. Section 668.46(a) also would require that an institution must make available completion or graduation rates to prospective students before they enroll or enter into any financial obligation at the institution related to the student's program of study, whichever occurs first.

A student is considered to have entered into such a financial obligation when he or she signs an enrollment contract with the institution, registers for study at the institution, or makes a payment to the institution for all or a portion of the student's cost of attending that institution, or when the institution (1) makes a loan, such as a Perkins loan, to the student or (2) certifies information concerning a student's financial need or enrollment status to help a student to obtain a loan, such as a Stafford, SLS, or PLUS loan. These proposed regulations would require an institution to make completion and graduation rates under this section available to current and prospective students. However, the Secretary also encourages institutions to make the rates available to secondary schools and guidance counselors so they have the information needed to advise student and parent consumers. To ensure compliance with the requirements of this section, completion and graduation rates also must be made available to the Secretary, upon request.

New § 668.46(b) states that students are considered to have completed or graduated from their respective programs if they completed or graduated from the programs they entered within 150 percent of the normal time for completion or graduation or, within that time frame, enrolled in a higher level program for which the prior program provided substantial preparation. For example, if a student enrolls in an educational program that is one year in length, the student would be counted as having completed or graduated if the student completes or graduates from the program within 18 months. If an institution offers programs of different length, the institution discloses its completion or graduation rate when 150 percent of the normal time for completion or graduation for its longest program has elapsed.

New § 668.46(c) contains important methodological details relating to the calculation of completion or graduation rates. Section 668.46(c) would require an institution to determine its completion or graduation rate by following the progress of a cohort of entering students from enrollment through the period of time equal to 150 percent of the normal length of each student's program. If an institution operates on a continuous enrollment basis, it follows a cohort of students who enter the institution from July 1 through September 30. If an institution does not operate on a continuous basis, it follows a cohort of students who enter during the fall enrollment. If the institution does not operate on a continuous basis, the cohort would also include, as students entering during the fall enrollment, students who enter an institution for the first time during the summer and then

re-enroll at the same institution for the fall enrollment. However, such an institution would exclude from the cohort students who enter the institution during the summer but fail to re-enroll at the same institution for the fall enrollment.

For the purpose of establishing a cohort of students, an institution never includes students who transfer into the institution. The completion or graduation rate disclosed by an institution under these proposed regulations is the rate of completion or graduation of those of its students who, when they enrolled at the institution, entered an institution of higher education for the first time. Students who transfer out of an institution are not counted as completers or graduates unless they enroll at another institution of higher education in a higher level program for which the prior program provided substantial preparation.

Finally, the Secretary recognizes that by permitting institutions to establish cohorts of only those students who enter during a particular portion of a year, as opposed to cohorts of all the students who enter during a particular year, the possibility of biased data or institutional abuse exists. For example, in order to generate a misleadingly high completion or graduation rate, an institution might be tempted to manipulate enrollment periods or take extraordinary steps to encourage students who entered the institution during the cohort period to complete or graduate from their respective programs. On the other hand, the Secretary wishes to reduce, to the extent possible, the burdens on institutions associated with the need to disclose completion or graduation rates. The Secretary specifically invites public comment on the cohort periods proposed and whether additional safeguards against bias or institutional manipulation are warranted.

The completion or graduation rate required is the percentage of all the students in the cohort who completed or graduated from their respective programs within 150 percent of those particular programs' normal lengths. Thus, if an institution offers one-year and two-year programs, its completion or graduation rate for any cohort of entering students would be the percentage (computed three years later) of all the entering students who completed their particular programs within 150 percent of the normal time for completion—18 months or three years, respectively. However, in addition to the required institution-wide rate, an institution also may disclose a completion or graduation rate for students in individual programs if it so chooses.

Beginning in 1993, each year by July 1 an institution would be required to disclose the completion or graduation rate of the most recent cohort of entering students that all have had an opportunity to complete or graduate from their respective programs. For example, a degree-granting institution whose programs are four years or less in length must disclose by July 1, 1993 the graduation rate for its most recent cohort—the cohort of students who entered the institution in the fall of 1986. It is necessary to revert to the 1986 cohort of entering students because, allowing six years for graduation from a four-year program, which is the longest program offered, the 1986 cohort is the most recent cohort of entering students for which all students would have had the opportunity to graduate before the required 1993 disclosure.

The Secretary specifically invites public comment on whether the proposed requirement in § 668.46(c)(2)(i) that institutions each year must disclose the completion or graduation rate of the most recent cohort of entering students that all have had an opportunity to complete or graduate from their respective programs identifies with sufficient clarity which cohort's rate must be disclosed in any particular year. Alternatively, should the Secretary specify a particular deadline date, such as April 1, and require all institutions to disclose by the following July 1 the completion or graduation rate of the most recent cohort of entering students that all have had an opportunity by that date to complete or graduate from their respective programs (i.e., 150 percent of the normal length of the longest program).

If, in 1993, the institution cannot calculate the graduation rate of the most recent cohort that has had an opportunity to graduate (i.e., 150 percent of the longest program) because the data do not exist, or would require an excessive effort to produce, the institution would be required to disclose the projected graduation rate of the cohort of students who entered the institution in the fall of 1991. The institution would continue to disclose the projected graduation rate of the 1991 cohort of entering students until it can either disclose the actual graduation rate of the 1991 cohort or the actual graduation rate of a cohort prior to the 1991 cohort (for which data exist), whichever occurs first. The Secretary expects each institution to make a full, good faith effort to disclose the actual completion or graduation rate of the most recent cohort of entering students that have all had an opportunity to complete or graduate from their respective programs. However, the Secretary realizes that in some instances it may not be feasible for an institution to disclose an actual rate, either because the data do not exist or because an excessive effort would be required to produce the data. For example, an institution with a large enrollment in programs of long duration may, as a practical matter, face excessive burdens in calculating a completion or graduation rate unless its student records are accessible by computer. The Secretary specifically invites public comment on whether the regulations should contain more detailed guidance on what circumstances justify disclosing a projected completion or graduation rate rather than an actual rate.

Under the proposed regulations, if an institution discloses to current or prospective students a projected completion or graduation rate, it must, as part of the disclosure, explain what the projected rate represents and how it was calculated. For example, an institution may include the provisions of this regulation that pertain to a projected completion or graduation rate in its explanation. The projected completion or graduation rate of the 1991 cohort in any year would reflect the percentage of students in the cohort who (1) have already completed or graduated from their respective programs, or (2) re-enrolled during the period of July 1 through September 30 of the preceding year (if the institution operates on a continuous enrollment basis) or during the fall enrollment of the preceding year (if the institution does not operate on a continuous enrollment basis). Thus, if a student enrolls for the fall 1991 term in a four-year degree program, that student would be counted as a "projected graduate" for the July 1, 1993 disclosure if he or she re-enrolled for the fall 1992 term. This would be true even if he or she did not re-enroll for the spring 1992 term. However, if the student fails to re-enroll for the fall 1992 term, he or she would not be counted as a projected graduate for the July 1, 1993 disclosure and would not be counted as a projected graduate for the purpose of disclosure in any succeeding year unless the student re-enrolled during the preceding fall term.

The Secretary strongly encourages an institution to provide information supplementing its actual or projected completion or graduation rate, particularly information about the characteristics of students attending the

institution. The Secretary recognizes that institutions have different purposes and missions that may not accurately be reflected by a projected or actual completion or graduation rate, and for that reason believes that data about student outcomes, such as a completion or graduation rate, should be considered in the context of information about the student population at that institution. An institution is encouraged to disclose other data and statistical information concerning its completion and graduation rates as long as the information required by this section of the regulations is clearly identifiable.

New § 668.46(d) would authorize the Secretary to waive the preceding disclosure requirements if the institution is a member of an athletic association or conference that voluntarily publishes completion or graduation rate data that are, in the opinion of the Secretary, substantially comparable to what is required by § 668.46. The proposed regulations would require an institution, or an athletic association or conference applying on behalf of an institution, to request a waiver in writing and to describe why it believes the data the athletic association or conference publishes are both accurate and substantially comparable. The Secretary wishes to emphasize that the granting of a waiver would not be automatic, and he intends to scrutinize requests for waivers carefully to ensure substantial comparability of data. Finally, § 668.46(e) states, in accordance with the statute, that an institution may exclude from its calculations of completion or graduation rates students who leave school to serve in various capacities, such as in the military or on church mission assignments.

Section 668.47 Disclosures Regarding Student Athletes

This new section would put in place section 485(e) of the HEA by requiring each institution that awards athletically related student aid to disclose the completion or graduation rate of various student populations at the institution, including student athletes. Specifically, institutions that award athletically related student aid would be required to report to the Secretary and to disclose the following to the potential student athlete and his or her parents, high school coach, and guidance counselor: (1) The number of full-time, regular, undergraduate students enrolled in that institution categorized by race and sex; (2) the number of those students, by sport, who receive athletically related student aid, categorized by race and sex; and (3) the completion or graduation rates (including a four-year average) for each of these various student populations. For these purposes, "sport" is defined as basketball, football, baseball, cross-country and track, and all other sports combined. Also, for the purpose of calculating completion or graduation rates for various student populations, institutions would be required to use the methodology in proposed § 668.46, including following cohorts of entering students and reporting a projected completion or graduation rate until it is possible to disclose the actual completion or graduation rate. An institution that has completion or graduation rates for fewer than four classes would have to disclose the average rate of those classes for which it has rates. It would not be required to disclose average projected completion or graduation rates or attempt to average projected with actual completion or graduation rates.

An institution would be authorized, but not required, to provide supplemental information to the Secretary, potential student athletes, and others that shows completion or graduation rates when students transferring into and out of the institution are included, provided the information required by this section is clearly identifiable.

In addition, as under proposed § 668.46(d), the Secretary would be authorized to waive the requirements of this section if the institution belongs to an athletic association or conference that publishes substantially comparable information. Finally, institutions would be required to report this information about completion or graduation rates to the Secretary and begin disclosing it to potential student athletes by July 1, 1993.

Section 668.48 Institutional Security Policies and Crime Statistics

This proposed new section would implement section 485(f) of the HEA as added by the "Crime Awareness and Campus Security Act of 1990," title II of Pub. L. 101–542, as amended by Pub. L. 102–26. In general, section 485(f) requires institutions to publish and distribute an annual security report containing campus security policies and procedures as well as campus crime statistics. An institution that has more than one campus must distribute an annual security report for each of its separate campuses. The Secretary wishes to emphasize that, consistent with the requirements of the statute as reflected in these regulations, institutions are free to develop and adopt whatever policies and procedures relating to campus crime and safety they choose.

New § 668.48(a) would require each institution to publish and distribute an annual security report, through appropriate publication and mailings, by September 1, 1992 and by September 1 of each year thereafter. Examples of appropriate publications are the institution's catalogue, a student handbook, or a crime prevention manual or handbook, if these publications are distributed annually. The report must contain a number of statutorily prescribed items pertaining to campus safety but as a matter of institutional choice, may contain other information as well. The major components of the annual report mandated by the statute are—

- A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions on campus and policies concerning the institution's response to the reports;
- A statement of current policies concerning security of and access to campus facilities, including residences;
- A statement of current policies concerning campus law enforcement, including the enforcement authority of institutional security personnel and policies that encourage prompt reporting of all campus crime to the campus police and local police;
- A description of the type and frequency of programs designed to inform students and employees about campus security procedures and to encourage them to be responsible for their own security and the security of others;
- A description of programs designed to inform students and employees about the prevention of crime;
- A statement of policy concerning the monitoring and recording through local police agencies of criminal activity engaged in by students at off-campus locations of student organizations, including off-campus housing facilities;
- A statement of policy regarding the possession, use, or sale of alcoholic beverages and illegal drugs; and
- A description of any drug and alcohol abuse education programs required by section 1213 of the HEA (20 U.S.C. 1145g). Section 1213 of the HEA contains the "drug-free campuses" requirements added by section 22 of the Drug Free Schools and Communities Amendments of 1989 (Pub. L. 101–226). Under the proposed regulations, an institution that currently describes its policies regarding drug and alcohol use in the materials it distributes annually to comply with regulations governing Drug-Free Schools and Campuses (34 CFR part 86) does not have to repeat the

information for purposes of complying with section 485(f)(1)(I). However, the institution's annual security report must make a cross-reference to the materials containing those policies.

The report must also contain certain campus crime statistics. The first security report is due September 1, 1992 and must contain statistics concerning the occurrence on campus (as reported to campus security authorities or the local police) between January 1, 1991 and December 31, 1991, as well as the two preceding calendar years for which data are available, of the following crimes: murder, rape, robbery, aggravated assault, burglary, and motor-vehicle theft. The proposed regulations provide that if an institution does not have those statistics for a period before August 1, 1991, when the statute requires institutions to start gathering statistics, it need not report them. However, if an institution does have statistics for a period before August 1, 1991, it also must report those statistics (back to January 1, 1989). In subsequent years, the annual security report would remain due on September 1, but would contain statistics for the most recent calendar year and the two preceding calendar years for which data are available. In addition, the security report must contain statistics reflecting the number of arrests for the following crimes occurring on campus: Liquor-law violations, drug abuse violations, and weapons violations. The first report is due September 1, 1992 and must reflect arrests between January 1, 1991 and December 31, 1991, unless data are not available for the full period. Thereafter, the report is due on September 1 and must reflect arrests during the preceding calendar year.

Section 668.46(b) states that the institution must distribute the annual security report to all students and employees and to any applicant for enrollment or employment on request. Section 668.46(c) states that an institution must comply separately with the publication and distribution requirements of § 668.48 for each campus and clarifies that for this purpose a branch, school, or administrative division within an institution that is not within a "reasonably contiguous geographic area" with the institution's main campus is considered to be a separate campus. The Secretary specifically requests public comment regarding whether the phrase "reasonably contiguous geographical area," which is used in the statute, requires further clarification. Section 668.46(d) clarifies what periods of time must be covered by the crime statistics included in the security report, and states that the statistics must be compiled in accordance with the definitions of the Federal Bureau of Investigation's Uniform Crime Reporting System. Anyone wishing to obtain these definitions should contact Mr. Harper Wilson, Chief, Uniform Crime Reporting System, Federal Bureau of Investigation, Washington, DC 20535. The telephone number is (202) 324–2614. Upon request, the institution must submit these statistics to the Secretary. Section 668.46(e) provides that the institution must report to the campus community certain crimes in a manner that is timely and will aid in the prevention of similar crimes.

Finally, § 668.46(f) contains a definition of "campus," taken from the statute, and a definition of "campus security authorities." In general, the latter term includes: (1) Individuals or organizations identified by the institution as those to whom students and employees should report crimes; and (2) officials of the institution who have significant responsibility for student and campus activities. This latter clause would include such officials as deans and residence directors but not include counselors. The Secretary believes that this definition strikes an appropriate balance between the need of individual crime victims for counseling and the need of the broader campus community for a complete reporting of campus crime.

Executive Order 12291

These proposed regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

The small entities affected by these regulations are small institutions of higher education. However, the regulations would not have a significant economic impact on the small institutions affected because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal burdens necessary to implement statutory requirements.

Paperwork Reduction Act of 1980

Sections 668.46, 668.47 and 668.48 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h))

Institutions of higher education must comply with the information collection requirements of these regulations to implement sections 103 and 104 of title I, and section 204 of title II, of the Student Right-to-Know and Campus Security Act, Pub. L. 101–542 ("Act"), as amended by Pub. L. 102–26. Section 103 of the Act requires an institution to disclose the completion or graduation rate of certificate-seeking or degree-seeking full-time undergraduate students entering the institution. Section 104 of the Act requires the collection of statistical information regarding the completion and graduation rate of the institution's general population of students and those that receive athletically related student aid. Section 104 of title I of the Act also requires the Secretary to publish a report, categorized by school and certain athletic conferences, concerning the completion or graduation rates of institutions that award athletically related student aid. Section 104 of the Act further requires institutions to report these data annually to the Secretary. Title II of the Act requires an institution to compile information concerning certain security policies and campus crime statistics. Title II of the Act also requires an institution, upon request by the Secretary, to submit to the Secretary the statistics concerning crimes on campus. The Secretary is required to review the statistics and report to Congress. In addition, the Secretary is required to identify exemplary campus security policies and disseminate information concerning these policies. An estimate of the total annual reporting and recordkeeping burden that will result from the collection of information is 5,800 hours for requirements of title I and 21,000 hours for the requirements of title II.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel J. Chenok.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during

and after the comment period, in room 4318, ROB–3, 7th and D Streets, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and the overall requirement of reducing regulatory burden, the Secretary invites comments on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 668

Administrative practice and procedure, Colleges and universities, Consumer protection, Education, Grant program—education, Loan program—education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: July 2, 1992.

Lamar Alexander,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number: Supplemental Educational Opportunity Grant Program, 84.007; Guaranteed Student Loan Program, 84.032; PLUS Program, 84.033; Supplemental Loans for Students Program, 84.032; College Work-Study Program, 84.003; Perkins Loan Program, 84.038; Pell Grant Program, 84.063; State Student Incentive Grant Program, 84.069; Income Contingent Loan Program, 84.226)

The Secretary proposes to amend part 668 of title 34 of the Code of Federal Regulations as follows:

1. The authority citation for part 668 continues to read as follows:

Authority: 20 U.S.C. 1085, 1088, 1091, 1092, 1094, and 1141, unless otherwise noted.

2. Section 668.12 is amended by removing "and" at the end of paragraph (b)(2)(ii); by redesignating paragraph (b)(2)(iii) as paragraph (b)(2)(iv); and by adding a new paragraph (b)(2)(iii) to read as follows:

§ 668.12 Institutional participation agreement.

* * * * *

(b) * * *

(2) * * *

(iii) That it has established a campus security policy, is implementing that policy, and is in compliance with the disclosure requirements of section 485(f) of the HEA; and

* * * * *

3. Section 668.41 is amended by revising paragraph (a) to read as follows:

§ 668.41 Scope and special definition.

(a) Each institution participating in any title IV, HEA program shall, through appropriate publications and mailings—

(1) Disseminate to all enrolled students, and to prospective students upon request, information concerning the institution, in accordance with § 668.45;

(2) Disseminate to all enrolled students, and to prospective students upon request, information concerning any student financial assistance available to students enrolled in the institution, in accordance with § 668.44;

(3) Disseminate to all enrolled students, and to all prospective students, information concerning the institution's completion or graduation rate, in accordance with § 668.46; and

(4) Disseminate to all enrolled students and employees, and to all applicants for enrollment or employment upon request, information concerning institutional security policies and crime statistics, in accordance with § 668.48.

* * * * *

(Authority: 20 U.S.C. 1092)

§§ 668.42, 668.43, 668.44 and 668.45 Redesignated as §§ 668.43, 668.44, 668.45 and 668.49.

4. Sections 668.42, 668.43, 668.44 and 668.45 are redesignated as 668.43, 668.44, 668.45 and 668.49, respectively.

5. A new § 668.42 is added, to read as follows:

§ 668.42 Definitions.

The following definitions apply to this subpart:

Educational program: As defined in 34 CFR 600.2.

Full-time student: As defined in 34 CFR 690.2.

Undergraduate student: As defined in 34 CFR 690.2.

(Authority: 20 U.S.C. 1092)

6. In newly designated § 668.43, paragraph (a) is amended by removing "in § 668.43 and § 668.44" and adding, in its place, "in § 668.44 and § 668.45".

7. A new § 668.46 is added to read as follows:

§ 668.46 Completion or graduation rate.

(a)(1) An institution shall make readily available to all enrolled students and prospective students, through appropriate publications and mailings, the institution's completion or graduation rate (or, as provided in paragraph (c)(2)(ii) of this section, a projected completion or graduation rate) of its full-time, certificate-seeking or degree-seeking undergraduate students who enroll for the first time at that institution and have not enrolled previously at any other institution of higher education.

(2) The institution shall disclose the completion or graduation rate (or, as provided by paragraph (c)(2)(ii) of this section, the projected completion or graduation rate) required by paragraph (a)(1) of this section by July 1, 1993 and by July 1 of each year thereafter.

(3)(i) The institution shall make its completion or graduation rate (or, as provided in paragraph (c)(2)(ii) of this section, its projected completion or graduation rate) available to a prospective student before the prospective student enrolls in the institution or enters into any financial obligation at the institution related to the student's program of study, whichever occurs first.

(ii) For the purpose of paragraph (a)(3)(i) of this section, a prospective student is considered to have entered into a financial obligation at the institution related to his or her program of study when any of the following occurs:

(A) The prospective student enters into an enrollment contract with the institution.

(B) The prospective student registers for study at the institution.

(C) The prospective student makes a payment to the institution to cover all or a portion of the student's tuition and fees, room and board, books and supplies, or transportation.

(D) The institution makes a loan, such as a Perkins loan, to the student.

(E) The institution certifies information concerning a student's financial need or enrollment status for the purpose of assisting that student to obtain a loan, such as a Stafford, SLS, or PLUS loan.

(b)(1) In calculating the completion or graduation rate under paragraph (a)(1) of this section, the institution shall count a student as having completed or graduated from his or her educational program—

(i) If the student completes or graduates from the program he or she entered within 150 percent of the normal time for completion or graduation; or

(ii) If, within 150 percent of the normal time for completion or graduation, the student enrolls in a higher level program at an eligible institution for which the prior program provided substantial preparation.

(2) If the institution offers programs of different length, the institution shall disclose its completion or graduation rate when 150 percent of the normal time for completion or graduation has elapsed for the program of greatest length.

(3) The following are examples of the period of time that is equal to 150 percent of normal time for completion or graduation:

(i) For an institution whose programs are four years in length, 150 percent of normal time for completion or graduation from those programs is six years (72 months).

(ii) For an institution whose programs are two years in length, 150 percent of normal time for completion or graduation from those programs is three years (36 months).

(iii) For an institution whose programs are nine months in length, 150 percent of normal time for completion or graduation from those programs is 14 months.

(c)(1)(i) An institution shall calculate its completion or graduation rate under paragraph (a)(1) of this section by following the progress of each student in a cohort of entering students from the time of enrollment through the period equal to 150 percent of the normal time for completion or graduation from that student's program.

(ii)(A) If an institution operates on a continuous enrollment basis, it shall establish and follow a cohort of students who enter the institution from July 1 through September 30.

(B) If an institution does not operate on a continuous enrollment basis, it shall establish and follow a cohort of students who enter the institution during the fall enrollment. A student who enters an institution during the summer must be considered to have entered the institution during the fall enrollment, but only if that student re-enrolls during the fall enrollment at the same institution.

(iii) The completion or graduation rate under paragraph (a)(1) of this section is the percentage of all the students in the cohort who complete or graduate from their respective programs within 150 percent of the normal time for completion or graduation from that particular program.

(2)(i) An institution shall disclose each year by July 1 the completion or graduation rate of the most recent cohort of entering students that all have had an opportunity to complete or graduate from their respective programs, as described in paragraph (b)(1) of this section.

(ii) If an institution cannot disclose by July 1, 1993 the completion or graduation rate of such a cohort because the data to calculate such a rate either do not exist or would require an excessive effort to produce, the institution shall—

(A) Disclose the projected completion or graduation rate (as described in paragraph (c)(3)(i) of this section) of the cohort of students who entered from July 1, 1991 through September 30, 1991, if the institution operates on a continuous enrollment basis, or during the 1991 fall enrollment, if the institution does not operate on a continuous enrollment basis; and

(B) Disclose the projected completion or graduation rate of the 1991 cohort of entering students by July 1 of each subsequent year until the institution can report the completion or graduation rate of either the 1991 cohort of entering students, or a cohort prior to the 1991 cohort, whichever occurs first.

(3)(i) For the purpose of paragraph (c)(2)(ii) of this section, the projected completion or graduation rate of an institution's 1991 cohort of entering students for any year is the percentage of all the students in that cohort who have either—

(A) Completed or graduated from their respective program within 150 percent of the normal time for completion or graduation from that particular program; or

(B) Re-enrolled during the period of July 1 through September 30 of the preceding year, if the institution operates on a continuous enrollment basis, or during the fall enrollment of the preceding year, if the institution does not operate on a continuous basis.

(ii) If an institution discloses a projected completion or graduation rate, the institution shall explain as part of that disclosure what that rate represents and how it was calculated.

(d)(1) The Secretary grants a waiver of the requirements of this section to any institution that is a member of an athletic association or conference that voluntarily has published completion or graduation rate data, or has agreed to publish such data that, in the opinion of the Secretary, are substantially comparable to the data required by this section.

(2) An institution, or athletic association or conference applying on behalf of an institution, that seeks a waiver under paragraph (d)(1) of this section shall submit a written application to the Secretary that describes why it believes the data the athletic association or conference publishes are both accurate and substantially comparable to the information required by this section.

(e) For the purpose of calculating a completion or graduation rate, an institution may exclude students who leave school to serve—

(1) In the Armed Services;

(2) On official church mission assignments; or

(3) With a foreign aid service of the Federal Government, such as the Peace Corps.

(Authority: 20 U.S.C. 1092)

8. A new 668.47 is added to read as follows:

§ 668.47 Disclosures regarding student athletes.

(a)(1) Beginning July 1, 1993, when an institution offers a potential student athlete athletically related student aid, the institution shall disclose to the potential student athlete and his or her parents, high school coach, and guidance counselor the following information categorized by race and sex—

(i) The number of full-time, regular, undergraduate students enrolled in that institution during the preceding award year;

(ii) The number of students described in paragraph (a)(1)(i) of this section who received athletically related student aid, categorized by sport;

(iii) The completion or graduation rate (or, as provided by paragraph (b) of this section, the projected completion or graduation rate) for each category of students described in paragraphs (a)(1)(i) and (a)(1)(ii) of this section; and

(iv) The average completion or graduation rate for the four most recent completing or graduation classes for each category of students described in paragraphs (a)(1)(i) and (a)(1)(ii) of this section. If an institution has completion or graduation rates for fewer than four of those classes, it shall disclose the average rate of those classes for which it has rates.

(2) The following definitions apply to this section:

Athletically related student aid means any scholarship, grant, or other form of financial assistance, offered by an institution, the terms of which require the recipient to participate in a program of intercollegiate athletics at the institution to receive such assistance.

Sport means (i) basketball, (ii) football, (iii) baseball, (iv) cross-country and track, and (v) all other sports combined.

(b) The provisions of § 668.46(b) (relating to the calculation of completion or graduation rates), § 668.46(c) (relating to cohorts and projected completion or graduation rates), and § 668.46(e) (relating to the exclusion of students who leave school) apply to the

calculation of completion or graduation rates under this section.

(c)(1) The Secretary grants a waiver of the requirements of this section to any institution that is a member of an athletic association or conference that voluntarily has published completion or graduation rate data, or has agreed to publish such data that, in the opinion of the Secretary, are substantially comparable to the data required by this section.

(2) An institution, or athletic association or conference applying on behalf of an institution, that seeks a waiver under paragraph (c)(1) of this section shall submit a written application to the Secretary that describes why it believes the data the athletic association or conference publishes are both accurate and substantially comparable to the information required by this section.

(d) An institution shall submit to the Secretary by July 1, 1993 and July 1 of each year thereafter a report that contains the information described in paragraph (a)(1) of this section for the appropriate time periods.

(Authority: 20 U.S.C. 1092)

9. A new § 668.48 is added to read as follows:

§ 668.48 Institutional security policies and crime statistics.

(a) An institution shall, by September 1, 1992 and by September 1 of each year thereafter, publish and distribute, through appropriate publications and mailings, an annual security report that contains, at a minimum, the following information:

(1) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to those reports, including policies for making timely reports to members of the campus community regarding the occurrence of crimes described in paragraph (a)(6) of this section.

(2) A statement of current policies concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

(3) A statement of current policies concerning campus law enforcement, including—

(i) The enforcement authority of security personnel, including their working relationship with State and local police agencies and whether those security personnel have the authority to arrest individuals; and

(ii) Policies that encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies.

(4) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

(5) A description of programs designed to inform students and employees about the prevention of crimes.

(6) Statistics concerning the occurrence on campus of the following criminal offenses reported to campus security authorities or local police agencies:

(i) Murder.
(ii) Rape.
(iii) Robbery.
(iv) Aggravated assault.
(v) Burglary.
(vi) Motor-vehicle theft.

(7) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity engaged in by students at off-campus locations of student organizations recognized by the institution, including student organizations with off-campus housing facilities.

(8) Statistics concerning the number of arrests for the following crimes occurring on campus:

(i) Liquor-law violations.
(ii) Drug-abuse violations.
(iii) Weapons possessions.

(9) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws.

(10) A statement of policy regarding the possession, use and sale of illegal drugs and enforcement of Federal and State drug laws.

(11) A description of any drug or alcohol-abuse education programs, as required under Section 1213 of the Higher Education Act of 1965, as amended. For the purpose of meeting this requirement, an institution may cross-reference the materials the institution uses to comply with Section 1213 of the HEA.

(b) An institution shall distribute the security report required by paragraph (a) of this section annually to all current students and employees, and to any applicant for enrollment or employment upon request.

(c) An institution shall comply separately with the requirements of this section for each campus. A branch, school, or administrative division within an institution that is not within a reasonably contiguous geographic area with the institution's main campus is considered to be a separate campus.

(d)(1)(i) An institution's first annual security report (due September 1, 1992) shall contain statistics described in paragraph (a)(6) of this section covering the period January 1, 1991 through December 31, 1991 and the two preceding calendar years, or the portion thereof for which data are available. The first annual security report must contain that data covering at least the period from August 1, 1991 through December 31, 1991.

(ii) An institution's second annual security report (due September 1, 1993) and each subsequent report shall contain those statistics covering the most recent calendar year and the two preceding calendar years for which data are available.

(2)(i) An institution's first annual security report (due September 1, 1992) shall contain statistics described in paragraph (a)(8) of this section covering the period January 1, 1991 through December 31, 1991, or the portion thereof for which data are available. The first annual security report must contain that data covering at least the period August 1, 1991 through December 31, 1991.

(ii) An institution's second annual security report (due September 1, 1993) and each subsequent report shall contain those statistics covering the then preceding calendar year.

(3) The institution shall compile crime statistics required under paragraphs (a)(6) and (a)(8) of this section in accordance with the definitions used in the Federal Bureau of Investigation's Uniform Crime Reporting System.

(4) Upon the request of the Secretary, the institution shall submit the statistics required by paragraphs (a)(6) and (a)(8) of this section to the Secretary.

(e) The institution shall, in a manner that is both timely and will aid in the prevention of similar crimes, report to the campus community on crimes that are—

(1) Described in paragraph (a)(6) of this section;

(2) Reported to campus security authorities or local police agencies; and

(3) Considered by the institution to represent a threat to students and employees.

(f) For purposes of this section:

(1) *Campus:* includes—

(i) Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area and used by

an institution in direct support of, or related to, its educational purposes; and

(ii) Any building or property owned or controlled by a student organization recognized by the institution.

(2) *Campus security authorities:* means—

(i) Individuals or organizations specified in an institution's statement of campus security policy as the individuals or organizations to whom students and employees should report criminal offenses; and

(ii) Officials of the institution who have significant responsibility for student and campus activities, such as deans and residence directors, but not including counselors.

(Authority: 20 U.S.C. 1092)

[FR Doc. 92-16182 Filed 7-9-92; 8:45 am]

BILLING CODE 4000-01-M

federal register

Friday
July 10, 1992

Part VI

Department of Education

National Center or Centers for Research in Vocational Education; Inviting Applications for New Awards for Fiscal Year (FY) 1992; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.051]

National Center or Centers for Research in Vocational Education; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1992

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program, proposed program regulations, and the Education Department General Administrative Regulations (EDGAR), this notice contains information, application forms, and instructions needed to apply for a grant for the National Center for Research and Development in Vocational Education, the National Center for Dissemination and Training in Vocational Education, or both.

Purpose of Program: Under the National Center or Centers for Research in Vocational Education Program (the National Centers Program), the Secretary awards a grant to a National Center for the purpose of conducting applied research and development activities in the field of vocational education, consistent with the purposes of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 *et seq.*) (the Act). Under the National Centers Program, the Secretary also awards a grant to a National Center for the purpose of designing and conducting dissemination and training activities that are consistent with the purposes of the Act, including the broad dissemination of the results of the research and development activities conducted by the National Center, and planning, developing, and conducting training activities that meet a national need. However, in accordance with section 404(a)(5) of the Act, the Secretary gives preference to any institution of higher education or consortium of institutions of higher education that demonstrates its ability to effectively carry out both the applied research and development as well as the dissemination and training activities referred to above. Thus, the Secretary may make a single grant award to an institution or a consortium of institutions for the dual purpose of conducting applied research and development as well as dissemination and training activities. These activities, as well as the invitational priorities discussed below, support AMERICA 2000, the President's strategy for moving the Nation toward the National Education Goals, by supporting critical improvements in vocational education.

Eligible Applicants: Institutions of higher education or consortia of institutions of higher education.

TRANSMITTAL OF APPLICATIONS UNDER THE VOCATIONAL EDUCATION RESEARCH PROGRAM

Title and CFDA No.	Deadline for transmittal of applications	Available funds per year	No. of awards	Project period in months
National Center for Research and Development CFDA No. 84.051.	September 4, 1992.	$4 Million (est).	1	60 months.
National Center for Dissemination and Training CFDA No. 84.051.	September 4, 1992.	$2 Million (est).	1	60 months.

Note: The Department is not bound by any estimates in this notice.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR), as follows:

(1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals and Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 81 (General Education Provisions Act—Enforcement)

(5) 34 CFR part 82 (New Restrictions on Lobbying).

(6) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(7) 34 CFR part 86 (Drug-Free Schools and Campuses).

(b) The proposed regulations for this program published in the **Federal Register** at 56 FR 51511–51514 to be codified in 34 CFR part 413.

SUPPLEMENTARY INFORMATION: It is the policy of the Department of Education not to solicit applications before the publication of final regulations. However, in this case, it is essential to solicit applications on the basis of the notice of proposed rulemaking (NPRM) for part 413—National Center or Centers for Research in Vocational Education—and other relevant parts of the NPRM entitled "State Vocational and Applied Technology Education Programs and National Discretionary Programs of Vocational Education," published in the **Federal Register** on October 11, 1991 (56 FR 51448). The Department must initiate the request for applications at this time in order for awards to be made in FY 1993. The Secretary has carefully considered public comments on the NPRM and expects to make some changes in the final regulations for part 413.

The Secretary expects to correct a technical error in the number of points reserved for distribution among the criteria in §§ 413.21 and 413.22 of the NPRM by changing § 413.20(b) to reserve 10 points instead of 15 points for each set of criteria.

The Secretary received several comments on the NPRM suggesting that holding two competitions for the National Center or Centers appeared to give preference to operating separate centers rather than a single comprehensive center. The commenters also stated that the proposed procedure for evaluating applications provided an inadequate competitive advantage to applicants that demonstrate their capacity to effectively carry out both functions of the National Center. On the basis of public comment, the Secretary expects to revise § 413.20 to clarify that, while the Secretary holds two competitions and judges individual applications according to the criteria in either §§ 413.21 or 413.22, as applicable, in accordance with section 404(a)(5) of the Act, the Secretary intends to give preference in grant selection to an institution or consortium of institutions that demonstrates the ability to carry out effectively both activities listed in section 404(a) of the Act and in § 413.3 (a) and (b) of the NPRM. The Secretary expects to delete § 413.20(h) of the NPRM, which provided for the assignment of five preference points to certain applications. In lieu of assigning preference points, the Secretary expects to give preference in grant selection to institutions or consortia that demonstrate the ability to carry out effectively both the research and development activities and the dissemination and training activities, either directly or by contract. After the Secretary has reviewed, evaluated, and scored each application, each applicant that has submitted two applications and has earned a score of 80 points or higher on each of its two applications, will be

deemed by the Secretary to have demonstrated its ability to carry out both activities effectively and will be placed in a pool with any other applicant that has earned a score of 80 points or higher on each of its two applications. The applicant scoring the highest combined score from among the applicants in the pool will be the recipient of a single grant award for the purpose of carrying out both program activities.

Finally, the Secretary also expects to add a new paragraph (j) to § 413.20 to clarify that, in the event that no applicant institution or consortium of institutions demonstrates to the Secretary its ability to carry out both activities effectively, the Secretary will make two grant awards to the applicants scoring the highest in each of the competitions.

The comments received by the Secretary did not raise any other significant policy issues with respect to the proposed regulations. Applicants should prepare their applications based on the NPRM while bearing in mind the above modifications. The Secretary does not expect to make further changes in the final regulations that would affect applicants for funds. However, if any other changes are made in the final regulations for this program, applicants will be given an opportunity to amend or resubmit their applications.

Invitational Priorities

Under 34 CFR 75.105(c)(1), the Secretary is authorized to invite applications that meet one or more priorities. The Secretary is particularly interested in applications that include descriptions of one or more of the following invitational priorities and address the President's AMERICA 2000 plan. AMERICA 2000 is a comprehensive plan for the revitalization of American education by the year 2000. The priorities apply to both research and development activities and dissemination and training activities. However, an application that meets one or more of the invitational priorities does not receive competitive or absolute preference over other applications:

Invitational Priority 1—Performance Standards

Activities that will contribute to the improvement and effectiveness of vocational education program performance standards, as well as worker performance standards, as called for in AMERICA 2000.

Invitational Priority 2—Business and Education Skill Standards

Activities that will contribute to the development of business and education skill standards and competencies in industries and trades and will contribute to Track III of AMERICA 2000 by striving to provide adult Americans with the knowledge and skills necessary to compete in a global economy.

Invitational Priority 3—Technical Preparation (Tech Prep)

Activities that will contribute to the articulation of school and college instruction with high quality work experience.

Invitational Priority 4—Integration of Academic and Vocational Education

Activities that will contribute to the integration of academic and vocational education so that students will obtain the literacy and occupational skills needed to function effectively in the Nation's economy.

Invitational Priority 5—Special Populations

Activities that will contribute to the improvement of vocational education services for members of special populations.

Invitational Priority 6—Dissemination System

Activities that will contribute to the development of a nation wide system, including an electronic subsystem, that disseminates results from research and development activities carried out under the Act to ensure improved knowledge about vocational education and that will contribute to Track II of AMERICA 2000 by bringing America on-line.

Selection Criteria

A. General

Evaluation of applications for new grants under the National Centers Program competitions:

(1) The Secretary will hold two separate competitions under this program. Each will have the same closing date of August 28, 1992. One competition will be held for research and development activities and the second competition will be held for dissemination and training activities. An institution of higher education or consortium of higher education institutions may submit a research and development application, a dissemination and training application, or both, as separate applications under separate covers.

(2) The Secretary evaluates applications for the research and development center and the dissemination and training center independently against the criteria in §§ 413.21 and 413.22 of the proposed regulations, respectively, regardless of whether an institution or consortium of institutions is competing for either one of the grants or both grants.

(3) In accordance with section 404(a)(5) of the Act, and what the Secretary believes to be the intent of Congress, the Secretary will give performance in grant selection to institutions or consortia that demonstrate the ability to carry out effectively both the research and development activities and the dissemination and training activities, either directly or by contract. After the Secretary has reviewed, evaluated, and scored each application, each applicant that has submitted two applications and has earned a score of 80 points or higher on each of its two applications, will be deemed by the Secretary to have demonstrated its ability to carry out both activities effectively and will be placed in a pool with any other applicant that has earned a score of 80 points or higher on each of its two applications. The applicant scoring the highest combined score from among the applicants in the pool will be the recipient of a single grant award for the purpose of carrying out both program activities.

(4) The maximum score for each application, excluding preference points, is 100 points.

(5) The maximum score for each criterion is indicated in parentheses following the criterion.

(6) In the final regulations the Secretary expects to reserve 10 points in § 413.20(a). In addition to the points assigned in §§ 413.21 and 413.22 of the proposed regulations, the Secretary assigns the 10 points reserved in § 413.20(a) as follows: 10 points to selection criterion (a)—Program factors—in §§ 413.21 and 413.22, for a total of 30 points for that criterion in § 413.21 and 30 points in § 413.22.

B. Applied Research and Development Activities

The Secretary expects to use the following criteria in evaluating each research and development application:

(1) Program factors. (30 points) The Secretary reviews each application to determine the extent to which each of the required research and development activities described in § 413.3(a)(2) of the proposed regulations are of high quality and effective.

(2) Plan of Operation. (35 points) The Secretary reviews each application to

determine the quality of the plan of operation for the proposed center, including—

(i) The applicant's plan for managing the National Center;

(ii) The procedures the applicant will use to implement the National Center particularly with regard to the public or private nonprofit institution of higher education with which it is associated and, in the case of a consortium, with the other members of the consortium;

(iii) The applicant's plan for managing the National Center's activities and personnel, including—

(A) Quality control procedures for its activities;

(B) Procedures for ensuring compliance with timelines;

(C) Coordination procedures for communicating among staff, subcontractors, members of the consortium, if any, and the Department of Education;

(D) Procedures for ensuring that adequate progress is being made toward achieving the goals of the grantee by subcontractors and members of a consortium; and

(E) Procedures for ensuring that adequate budget, accounting, and recordkeeping procedures will be used.

(iv) The quality of the applicant's detailed plans for year one of the National Center, including—

(A) Methodology and plan of operation;

(B) Tasks and timelines;

(C) Deliverables; and

(D) Dissemination plans for each project.

(v) The quality of the applicant's general plans for developing appropriate, coherent, and effective vocational education research and development activities or dissemination and training activities, or both, for years two through five.

(3) Key personnel. (10 points) The Secretary reviews each application to determine the qualifications of the key personnel the applicant plans to use for the National Center, including—

(i) The extent to which the Director of the National Center has—

(A) Appropriate professional qualifications, relevant project management experience, and administrative skills;

(B) A commitment to work full time at the National Center;

(C) A clear commitment to the goals of the project; and

(D) Sufficient authority to manage effectively the activities of the National Center.

(ii) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disability.

(iii) The extent to which other key personnel to be used for the National Center—

(A) Have experience and training in project management and in fields related to the proposed activities to be carried out; and

(B) Will commit sufficient time to the project.

(4) Vocational education experience. (10 points) The Secretary reviews each application to determine the extent to which the applicant understands the state of knowledge and practice related to vocational education, including—

(i) The applicant's experience in conducting applied research and development activities or dissemination and training activities, or both, in the field of vocational education of the type described in § 413.3 of the proposed regulations;

(ii) The applicant's capacity for conducting applied research and deveopment activities or dissemination and training activities, or both, in the field of vocational education of the type described in § 413.3 of the proposed regulations; and

(iii) How the activities of the National Center will contribute to the advancement of relevant theory and practice in vocational education.

(5) Budget and cost effectiveness. (10 points) The Secretary reviews each application to determine the extent to which—

(i) The Center has an adequate budget that is cost effective;

(ii) The budget is adequate to support the Center's activities; and

(iii) Costs are reasonable in relation to the objectives of the Center.

(6) Coordination activities. (5 points) The Secretary reviews each application to determine the extent to which there is an effective plan for the coordination of activities described in § 413.3 (a) and (b) on the proposed regulations regardless of whether these activities are carried out between two institutions or within one institution.

C. Dissemination and Training Activities

The Secretary expects to use the following selection criteria in evaluating each dissemination and training application:

(1) Program factors. (30 points) The Secretary reviews each application to determine the extent to which each of the required dissemination and training activities, described in § 413.3(b) of the proposed regulations are of high quality and effective.

(2) The selection criteria and points in § 413.21 (b), (c), (d), (e), and (f) on the proposed regulations.

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant or grants, the applicant shall—

(1) Mail the original and six copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.051), Washington, DC 20202–4725.

or

(2) Hand deliver the original and six copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.051), room #3633, Regional Office Building #3, 7th and D Streets, SW, Washington, DC 20202–4725.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgement to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted, or that an application is being submitted under each of the two competitions.

Application Instructions and Forms

Public reporting for this collection of information is estimated to average 90 hours per response, including the time reviewing instructions, searching existing data sources, gathering and

maintaining the data needed, and completing and reviewing the collection of information, including suggestions for reducing this burden to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project 1830–0013, Washington, DC 20503.

To apply for an award under this program competition, each application must be organized in the following order and include the following five parts:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)).

Part II: Budget Information.

Part III: Budget Narrative.

Part IV; Program Narrative.

Part V: Additional Assurances and Certifications:

a. Assurances—Non-Construction Programs (Standard Form 424B).

b. Certification regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013) and Instructions.

c. Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and Instructions.

Note: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.

d. Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and Instructions, and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

All forms and instructions are included as Appendix A of this notice.

All applicants must submit one original signed application, including ink signatures on all forms and assurances and six copies of the application. Please mark each application as original or copy. No grant may be awarded unless a complete application form has been received.

FOR FURTHER INFORMATION CONTACT:

Jackie L. Friederich, U.S. Department of Education, 400 Maryland Avenue, SW. (room 4526—MES), Washington, DC 20202–7242. Telephone (202) 205–9071. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

Program Authority: 20 U.S.C. 2404.

Dated: June 26, 1992.

Betsy Brand,

Assistant Secretary, Office of Vocational and Adult Education.

Appendix A

BILLING CODE 4000-01-M

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

TYPE OF SUBMISSION:

Application	Preapplication
☐ Construction	☐ Construction
☒ Non-Construction	☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, state, and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

_____

9. NAME OF FEDERAL AGENCY:

U.S. Department of Education

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 . 0 5 1

TITLE: National Center or Centers for Research in Vocational Education

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

PART II.—BUDGET INFORMATION

	A	B	C
Section A—Budget Summary by Categories:			
1. Personnel			
2. Fringe Benefits (Rate %)			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Other			
8. Total, Direct Cost (Lines 1 through 7)			
9. Indirect cost (Rate %)			
10. Training Costs/Stipends			
11. Total, Federal Funds Requested (lines 8 through 10)			
Section B—Cost Sharing Summary (if appropriate):			
1. Cash Contribution			
2. In-Kind Contribution (only costs specifically for this project)			
3. Total, Cost Sharing (Rate %)			

NOTE: For Fully-Funded Projects use Column A to record the first 12-month budget period; Column B to record the remaining months of the project; and Column C to record the total.

For Multi-Year Projects use Column A to record the first 12-month budget period; Column B to record the second 12-month budget period; and Column C to record the third 12-month budget period.

Section C—Budget Estimates (Federal Funds Only) For Balance of Project

BUDGET PERIODS

Second	Third	Fourth	Fifth

Instructions for Part II—Budget Information

Section A—Budget Summary by Categories

1. *Personnel:* Show salaries to be paid to project personnel.

2. *Fringe Benefits:* Indicate the rate and amount of fringe benefits.

3. *Travel:* Indicate the amount requested for both inter- and intra-State travel of project staff. Include funds for at least one trip for two people to attend a project director's meeting in Washington, DC.

4. *Equipment:* Indicate the cost of non-expendable personal property that has a useful life of more than one year and a cost of $300 or more per unit ($5,000 or more if State, Local, or Tribal Government).

5. *Supplies:* Include the cost of consumable supplies and materials to be used during the project.

6. *Contractual:* Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment; and (2) sub-contracts.

7. *Other:* Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.

8. *Total, Direct Cost:* Show the total for lines 1 through 7.

9. *Indirect Costs:* Indicate the rate and amount of indirect costs. NOTE: For training grants, the indirect cost rate cannot exceed 8%.

10. *Training/Stipend Cost:* (if allowable)

11. *Total, Federal Funds Requested:* Show total for lines 8 through 10.

Section B—Cost Sharing Summary

Indicate the actual rate and amount of cost sharing when there is a cost sharing requirement. If cost sharing is required by program regulations, the local share required refers to a percentage of Total Project Cost, not of Federal funds.

Section C—Budget Estimates (Federal Funds Only) for Balance of Project

If the project period exceeds 12 months, include cost estimates for the continuation budget periods, as appropriate. This Section does not apply to projects that are full-funded.

Instructions for Part III—Budget Narrative

The Budget Narrative should explain, justify, and, if needed, clarify your budget summary. For each line item (personnel, fringe benefits, travel, etc.) in your budget, explain why it is there and how you computed the costs.

Be sure that each page of your application is numbered consecutively.

Instructions for Part IV—Program Narrative

The Program Narrative will comprise the largest portion of your application. This part is where you spell out the who, what, where, why, and how of your proposed project.

Although you will not have a form to fill out for your narrative, there is a format. This format is the selection criteria. Because your application will be reviewed and rated by a review panel on the basis of the selection criteria, your narrative should follow the order and format of the criteria.

Before preparing your application, you should carefully read the legislation and Part 413 of NPRM published on October 11, 1991, 56 FR 51511–51514, other relevant portions of the NPRM published at 56 FR 51448, eligibility requirements, information on any priority set by the Secretary, and the selection criteria for this competition.

Your program narrative should be clear, concise, and to the point. Begin the narrative with an abstract or summary of your proposed project. Then describe the project in detail, addressing each selection criterion in order. Be sure to number consecutively, all pages in your application.

You may include supporting documentation as appendices. Be sure that this material is concise and pertinent to this program competition.

Applicants are advised that—

(a) The Department considers only information contained in the application in ranking applications for funding consideration. Letters of support sent separately from the formal application package are not considered in the review by the technical review panels. (EDGAR Sec. 75.217)

(b) The technical review panel evaluates each application solely on the basis of the established technical review criteria. Letters of support contained in the application will strengthen the application only insofar as they contain commitments which pertain to the established technical review criteria, such as commitment and resources.

Additional Materials

Instructions for Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the proposed regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 90 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project, OMB 1830–0013, Washington, DC 20503. (Information collection approved under OMB control number 1830–0013. Expiration date: 9/30/92.)

BILLING CODE 4000-01-M

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

SF 424B (4-88) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 –

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about–

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will–

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office

Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013, 6/90 (Replaces ED 80-0008, 12/89; ED Form GCS-008, (REV. 12/88); ED 80-0010, 5/90; and ED 80-0011, 5/90, which are obsolete)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV. 12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0346-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known:* Congressional District, *if known:*	Congressional District, *if known:*
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, *if applicable:* _____
8. Federal Action Number, *if known:*	9. Award Amount, *if known:* $
10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI):*	b. Individuals Performing Services *(including address if different from No. 10a)* *(last name, first name, MI):*

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:	13. Type of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned	☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment *(check all that apply)*: ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16.	
Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____

Federal Use Only:	Authorized for Local Reproduction Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

[FR Doc. 92-16181 Filed 7-9-92; 8:45 am]
BILLING CODE 4000-01-C

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Standard Form - LLL-A

federal register

Friday
July 10, 1992

Part VII

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Notice

DEPARTMENT OF THE INTERIOR

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved tribal-state compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority has approved The Ute Mountain Ute Tribe and the State of Colorado Gaming Compact executed on April 30, 1992.

DATES: This action is effective July 10, 1992.

ADDRESSES: Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior, MS/MIB 4603, 1849 "C" Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Ronal Eden, Bureau of Indian Affairs, Washington, DC 20240, (202) 208–3463.

Dated: July 6, 1992.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 92–16188 Filed 7–9–92; 8:45 am]

BILLING CODE 4310–02–M

federal register

Friday
July 10, 1992

Part VIII

Department of the Interior

Minerals Management Service

Outer Continental Shelf; Western Gulf of Mexico; Oil and Gas Lease Sale 141 and Leasing Systems, Sale 141; Notices

92 1625

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Western Gulf of Mexico
Oil and Gas Lease Sale 141

1. **Authority**. This Notice is published pursuant to the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331-1356, (1988)), and the regulations issued thereunder (30 CFR Part 256).

2. **Filing of Bids**. Sealed bids will be received by the Regional Director (RD), Gulf of Mexico Region, Minerals Management Service (MMS), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394. Bids may be delivered in person to that address during normal business hours (8:00 a.m. to 4:00 p.m.) until the bid submission deadline at 10:00 a.m., Tuesday, August 18, 1992. Hereinafter, all times cited in this Notice refer to c.s.t. unless otherwise stated. Bids will not be accepted the day of bid opening, Wednesday, August 19, 1992. Bids received by the RD later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or written withdrawal request is received by the RD prior to 10:00 a.m., Tuesday, August 18, 1992. Bid opening time will be 9:00 a.m., Wednesday, August 19, 1992, at the Le Meridien Hotel, New Orleans, Louisiana. All bids must be submitted and will be considered in accordance with applicable regulations including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale appeared in the Federal Register at 57 FR 17928 (Vol. 57, No. 82), published on April 28, 1992.

3. **Method of Bidding**. A separate signed bid in a sealed envelope labeled "Sealed Bid for Oil and Gas Lease Sale 141 (map number, map name, and block number(s)), not to be opened until 9:00 a.m., c.s.t., August 19, 1992," must be submitted for each block or prescribed bidding unit bid upon. The company name and qualification number should also appear on the envelope. For example, a label would read as follows: "Sealed Bid for Oil and Gas Lease Sale 141, NG 14-3, Corpus Christi, Block 455, not to be opened until 9:00 a.m., Wednesday, August 19, 1992, Overthrust Inc., No. 1093." For those blocks which must be bid upon as a bidding unit (see paragraph 12), it is recommended that all numbers of blocks comprising the bidding unit appear on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the U.S. Department of the Interior--Minerals Management Service. For identification purposes, the company name and company qualification number should also appear on the check or draft together with the bid block identification (abbreviations acceptable). No bid for less than all of the unleased portions of a block or bidding unit as described in paragraph 12 will be considered. Bidders are advised to use the description "All the Unleased Federal Portion" for those blocks having only aliquot portions currently available for leasing.

All documents must be executed in conformance with signatory authorizations on file in the Gulf of Mexico regional office. Partnerships also need to submit or have on file a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, e.g., 33.33333 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders.

4. **Bidding, Yearly Rental, and Royalty Systems**. The following bidding, yearly rental, and royalty systems apply to this sale:

(a) Bidding Systems. All bids submitted at this sale must provide for a cash bonus in the amount of $25 or more per acre or fraction thereof.

(b) Yearly Rental. All leases awarded will provide for a yearly rental payment of $3 per acre or fraction thereof.

(c) Royalty Systems. All leases will provide for a minimum royalty of $3 per acre or fraction thereof. The following royalty systems will be used:

(1) Leases with a 12 1/2-Percent Royalty. This royalty rate applies to blocks in water depths of 400 meters or greater as shown on Map 2 (see paragraph 12). Leases issued on the blocks and bidding units offered in this area will have a fixed royalty rate of 12 1/2 percent.

(2) Leases with a 16 2/3-Percent Royalty. This royalty rate applies to blocks in water depths of less than 400 meters (see Map 2). Leases issued on blocks and bidding units offered in this area will have a fixed royalty rate of 16 2/3 percent.

5. **Equal Opportunity**. Each bidder must qualify for the sale by submitting prior to the bid submission deadline stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS-2033 (June 1985), and the Affirmative Action Representation Form, Form MMS-2032 (June 1985). See paragraph 14(e).

6. **Bid Opening**. Bid opening will begin at the bid opening time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on the day of bid opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. **Deposit of Payment**. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in an interest-bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. **Withdrawal of Blocks**. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

9. **Acceptance, Rejection, or Return of Bids**. The United States reserves the right to reject any and all bids. In any case, no bid may be accepted and no lease for any block or bidding unit will be awarded to any bidder, unless:

(a) the bidder has complied with all requirements of this Notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $25 or more per acre or fraction thereof. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, and applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance.

10. **Successful Bidders**. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease, pay the balance of the cash bonus bid along with the first year's annual rental for each lease issued, by electronic funds transfer in accordance with the requirements of 30 CFR 218.155, and satisfy the bonding requirements of 30 CFR 256, Subpart I.

11. **Leasing Maps and Official Protraction Diagrams**. Blocks or bidding units offered for lease may be located on the following Leasing Maps or Official Protraction Diagrams which may be purchased from the Gulf of Mexico regional office (see paragraph 14(a)):

(a) OCS Leasing Maps--Texas Set. This set of 16 maps sells for $18.00.

Map 1	South Padre Island Area
Map 1A	South Padre Island Area, East Addition (revised 12/16/85)
Map 2	North Padre Island Area
Map 2A	North Padre Island Area, East Addition
Map 3	Mustang Island Area
Map 3A	Mustang Island Area, East Addition
Map 4	Matagorda Island Area
Map 5	Brazos Area
Map 5B	Brazos Area, South Addition
Map 6	Galveston Area
Map 6A	Galveston Area, South Addition
Map 7	High Island Area
Map 7A	High Island Area, East Addition
Map 7B	High Island Area, South Addition
Map 7C	High Island Area, East Addition, South Extension
Map 8	Sabine Pass Area

(b) OCS Protraction Diagrams. These diagrams sell for $2.00 each.

NG 14-3	Corpus Christi (revised 01/27/76)
NG 14-6	Port Isabel (revised 01/15/92)
NG 15-1	East Breaks (revised 01/27/76)
NG 15-2	Garden Banks (revised 10/19/81)
NG 15-4	Alaminos Canyon (revised 04/27/89)
NG 15-5	Keathley Canyon (revised 04/27/89)
NG 15-8	(No Name) (revised 04/27/89)

(c) A complete set of both OCS Leasing Maps and all OCS Protraction Diagrams is available on microfiche for $5.00 per set.

12. **Description of the Areas Offered for Bids.**

(a) Acreages of blocks are shown on Leasing Maps and Official Protraction Diagrams. Some of these blocks, however, may be partially leased or transected by administrative lines such as the Federal/State jurisdictional line. In these cases, the following supplemental documents to this Notice are available from the Gulf of Mexico regional office (see paragraph 14(a):

(1) Western Gulf of Mexico Lease Sale 141-Final. Unleased Split Blocks.

(2) Western Gulf of Mexico Lease Sale 141-Final. Unleased Acreage of blocks with Aliquots Under Lease.

(b) Maps 1, 2, and 3 referred to in this Notice are available on request from the Gulf of Mexico regional office:

Map 1 entitled "Western Gulf of Mexico Lease Sale 141 - Final. Stipulations, Lease Terms, and Warning Areas."

Map 2 entitled "Western Gulf of Mexico Lease Sale 141 - Final. Bidding Systems and Bidding Units." Refers largely to Royalty Rates and Bidding Units.

Map 3 entitled "Western Gulf of Mexico Lease Sale 141 - Final. Detailed Maps of Biologically Sensitive Areas." Pertains to areas referenced in Stipulation No. 2.

(c) Prospective bidders are advised of specific archaeological survey requirements further detailed in paragraph 14(g).

(d) In several instances, two or more blocks have been joined together into bidding units totaling less than 5,760 acres. Any bid submitted for a bidding unit having two or more blocks must be for all of the unleased Federal acreage within all of the blocks in that bidding unit. The list of those bidding units with their total acreages appears on Map 2.

(d) The areas offered for leasing include all those blocks shown on the OCS Leasing Maps and Official Protraction Diagrams listed in paragraph 11(a), (b), and (c), except for those leased blocks described on pages 7 through 11, and blocks deferred from bidding as referenced on page 12.

Western Gulf of Mexico Leasing Update List

The following blocks have become available for leasing since publication of the block update listing of April 16, 1992. This list is being furnished for your convenience. If you have any questions regarding this please contact Ms. Pat Bryars at 504-736-2763.

Galveston, South Addition	East Breaks
A-127	514
A-219	
A-248	Garden Banks
Mustang Island	142
	186
A-34	187
	425
High Island, South Addition	462
	485
A-476	606
A-586	607
	650
	651
	695

WESTERN GULF OF MEXICO LEASED LANDS

Descriptions of blocks listed represent all Federal acreage leased unless otherwise noted.

South Padre Island

1030
1043
1044
1050
1052
1059
1060
1073
1111
1112
1122
1125
1133
1134
1143
1166

South Padre Island, East Addition

1100
1115
1116
1117
1120
1136
1155
A-62

North Padre Island

886
887
894
895
906
908
909
914

927
929
934
935
947
948
949
954
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967
968
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976
977
978
987
988
989
1010

North Padre Island, East Addition

889
890
891
892
893
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911
912
913
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931
932
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970
972
974
975
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1011
1016
1018
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A-72
A-75
A-76
A-83
A-84
A-86
A-87

Mustang Island

729
730
731
737

738
739
740
742
743
752
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755
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Mustang Island, East Addition

760
A-46
A-47
A-48
A-61
A-52
A-53
A-54
A-57
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A-64
A-70
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A-81
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A-138
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A-140
A-149
A-151
A-174

Matagorda Island

487
518
519
520
526
527
528
529
(Seaward of 8(g) line)
555
556
557
564
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566
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Brazos

341
342
364
365
366
367
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376
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396
397
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400
411
412
413
414
415
416
417
430
431
432
433
434
435
(Seaward of 8(g) Line)
436
437
438
439
449
450
451
452
(E½)
453
454
455
456
457
458
466
467
469
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474
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Brazos, South Addition

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A-131
A-133

Galveston

144
151
180
181
182
189
(SE¼)
190
191
(Landward of 8(g)line)
192
209
210
211
212
213
222
223
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225
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(Seaward of 8(g) line)
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295
(S½NE¼NE¼; NW¼NE¼; W½SW¼NE¼; NE¼SW¼ NE¼; N½SE¼NE¼; W½; W½NW¼SE¼; S½SE¼)
296
(NE¼; NE¼NE¼ NW¼; S½NE¼NW¼; SE¼NW¼; S½SW¼NW¼; N½SW¼; NE¼SW¼ SW¼; N½SE¼SW¼; N½SE¼; N½SW¼SE¼ SE¼SE¼;)
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Galveston, South Addition

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A-237
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High Island

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53
(NE¼; E½NE¼SE¼)
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135
(N½; N½S½; SW¼SW¼; W½SE¼SW¼; NE¼SE¼ SW¼; N½S½SE¼)
136
(E½; E½NE¼SW¼; S½SE¼SW¼)
137
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154
155
(W½)
156
160
(NE¼; NE¼NW¼; E½SE¼NW¼; N½SE¼; N½SE¼SE¼)
161
(NW¼NE¼ NW¼; S½NE¼NW¼; W½NW¼; SE¼NW¼; NE¼NE¼ SW¼; W½NE¼SW¼; NW¼SW¼; NW¼SW¼ SW¼)
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High Island, South Addition

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High Island, East Addition

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High Island, East Addition, South Extension

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Sabine Pass

17
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East Breaks

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Garden Banks

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375	507	741	939	133	813	221
376	508	754	940	192	814	236
377	512	767	946	236	818	241
381	513	768	947	237	822	242
382	514	769	950	261	826	243
386	515	771	963	280	827	245
387	516	772	964	305	854	246
388	517	775	974	336	856	247
389	523	782	975	337	857	255
397	524	783	990	380	865	256
398	525	784	991	398	900	286
399	535	785	996	441	901	300
407	543	786		442	903	301
409	544	787		485	904	302
410	549	788		489	908	324
411	550	798		490	947	346
412	554	803		491	951	377
413	555	804	Port Isabel	533	954	388
414	556	806		534	955	420
415	557	811	39	556	998	421
416	558	812	40	557	999	422
418	559	813	81	558		431
419	562	814	82	599		432
420	563	815	125	600		465
421	568	816	126	601		466
422	569	817	130	602		476
424	593	826	131	644	Keathley Canyon	509
426	594	831	174	645		512
427	598	832	175	646		522
428	599	833	216	647	6	523
429	600	848	217	648	7	556
430	601	849	218	687	114	557
431	602	850	481	691	122	567
432	603	855	482	719	123	568
443	610	856	483	720	133	583
444	611	860	525	726	134	584
447	622	861	526	730	155	594
448	623	862	568	731	156	595
455	629	875	570	734	157	596
456	630	876	653	735	158	600
457	638	877	654	736	159	601
463	639	885	876	763	165	603
464	644	892		764	166	604
465	645	893		766	167	638
466	646	894		767	168	639
467	653	895		770	177	647
468	674	902		774	178	648
469	682	903	Alaminos Canyon	775	179	649
470	683	905		776	191	650
471	694	906		778	192	693
472	697	919	20	779	199	694
473	726	920	21	780	200	695
474	727	921	24	781	201	
475	736	929	25	782	202	
476	738	930	26	783	203	
477	739	936	65	810	211	
506	740	938		811	212	

(1) Although currently unleased and shown on Texas Leasing Map No. 7C, High Island Area, East Addition, South Extension, dated October 19, 1981, no bids will be accepted on the following blocks: A-375 and A-398.

(2) No bids will be accepted in the Corpus Christi Naval Operations Deferral Area containing approximately 340 blocks as shown on Map 1.

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale will have initial terms as shown on Map 1 and will be issued on Form MMS-2005 (March 1986). Copies of the lease form are available from the Gulf of Mexico regional office (see paragraph 14(a)).

(b) The applicability of the stipulations which follow is as shown on Map 1 and Map 3 and as supplemented by references in this Notice.

Stipulation No. 1--Protection of Archaeological Resources.

(This stipulation will apply to all blocks offered for lease in this sale. Bidders should refer also to paragraph 14(g) of this Notice for specific survey requirements.)

(a) "Archaeological resource" means any prehistoric or historic district, site, building, structure, or object (including shipwrecks); such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object (16 U.S.C. 470w(5)). "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(b) If the Regional Director (RD) believes an archaeological resource may exist in the lease area, the RD will notify the lessee in writing. The lessee shall then comply with subparagraphs (1) through (3).

(1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RD, to determine the potential existence of any archaeological resource that may be affected by operations. The report, prepared by an archaeologist and a geophysicist, shall be based on an assessment of data from remote-sensing surveys and of other pertinent archaeological and environmental information. The lessee shall submit this report to the RD for review.

(2) If the evidence suggests that an archaeological resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to adversely affect the area where the archaeological resource may be, or

(ii) Establish to the satisfaction of the RD that an archaeological resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RD. A report on the investigation shall be submitted to the RD for review.

(3) If the RD determines that an archaeological resource is likely to be present in the lease area and may be adversely affected by operations, the RD will notify the lessee immediately. The lessee shall take no action that may adversely affect the archaeological resource until the RD has told the lessee how to protect it.

(c) If the lessee discovers any archaeological resource while conducting operations on the lease area, the lessee shall report the discovery immediately to the RD. The lessee shall make every reasonable effort to preserve the archaeological resource until the RD has told the lessee how to protect it.

Stipulation No. 2--Protection of Topographic Features.

(This stipulation will be included in leases located in the areas so indicated on Maps 1 and 3 described in paragraph 12.) The banks which cause this stipulation to be applied to blocks of the Western Gulf are:

Bank Name	No Activity Zone Defined by Isobath (meters)
Shelf Edge Banks	
West Flower Garden Bank* (defined by 1/4 1/4 1/4 system)	100
East Flower Garden Bank* (defined by 1/4 1/4 1/4 system)	100
MacNeil Bank	82
29 Fathom Bank	64
Rankin Bank	85
Geyer Bank	85
Elvers Bank	85
Bright Bank*****	85
McGrail Bank*****	85
Rezak Bank*****	85
Sidner Bank	85
Parker Bank	85
Stetson Bank	62
Applebaum Bank	85
Low Relief Banks**	
Mysterious Bank	74,76,78,80,84 (see leasing map)
Coffee Lump	Various (see leasing map)
Blackfish Ridge	70
Big Dunn Bar	65
Small Dunn Bar	65
32 Fathom Bank	52
Claypile Bank***	50
South Texas Banks****	
Dream Bank	78,82
Southern Bank	80
Hospital Bank	70
North Hospital Bank	68
Aransas Bank	70
South Baker Bank	70
Baker Bank	70

* Flower Garden Banks--In paragraph (c) a "4-Mile Zone" rather than a "1-Mile Zone" applies.
** Low Relief Banks--Only paragraph (a) applies.
*** Claypile Bank--Paragraphs (a) and (b) apply. In paragraph (b) monitoring of the effluent to determine the effect on the biota of Claypile Bank shall be required rather than shunting.
**** South Texas Banks--Only paragraphs (a) and (b) apply.
***** Central Gulf of Mexico bank with a portion of its "1-Mile Zone" and/or "3-Mile Zone" in the Western Gulf of Mexico.

(a) No activity including structures, drilling rigs, pipelines, or anchoring will be allowed within the listed isobath ("No Activity Zone" as shown on Map 3) of the banks as listed above.

(b) Operations within the area shown as "1,000-Meter Zone" shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

(c) Operations within the area shown as "1-Mile Zone" on Map 3 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom. (Where there is a "1-Mile Zone" designated, the "1,000-Meter Zone" in paragraph (b) is not designated.)

(d) Operations within the area shown as "3-Mile Zone" on Map 3 shall be restricted by shunting all drill cuttings and drilling fluids from development operations to the bottom through a downpipe that terminates an appropriate distance, but no more than 10 meters, from the bottom.

Stipulation No. 3--Military Warning Areas.

(This stipulation will be included in leases located within Warning Areas shown on Map 1 described in paragraph 12.)

(a) **Hold and Save Harmless**

Whether compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf (OCS), to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the OCS; if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents, or employees, being conducted as a part of, or in connection with, the programs and activities of the command headquarters listed in the table below.

Notwithstanding any limitation of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of its officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee; and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the appropriate military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors or subcontractors, or any of its officers, agents, or employees; and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) **Electromagnetic Emissions**

The lessee agrees to control its own electromagnetic emissions and those of its agents, employees, invitees, independent contractors, or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the command headquarters listed in the table below to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities conducted within individual designated warning areas. Necessary monitoring control and coordination with the lessee, its agents, employees, invitees, independent contractors, or subcontractors will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors, and onshore facilities.

(c) **Operational**

The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic in the individual designated warning areas, shall enter into an agreement with the commander of the individual command headquarters listed in the following table, upon utilizing an individual designated warning area prior to commencing such traffic. Such an agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Warning Areas' Command Headquarters
Western Planning Area

Warning Areas	Command Headquarters
W-228	Chief, Naval Air Training Naval Air Station ATTN: Lt. Cmdr. I.V. Velez, USN or Lt. Jex Corpus Christi, Texas 78419-5100 Telephone: (512) 939-3862/3902
W-602	Headquarters SAC/DONO Deputy Chief of Staff Operations Headquarters Strategic Air Command Attn: Mr. Berube Offutt AFB, Nebraska 68113-5001 Telephone: (402) 294-3103/3450 or Scheduling: (402)-294-2334

14. **Information to Lessees.**

(a) **Supplemental Documents.** For copies of the various documents identified as available from the Gulf of Mexico regional office, prospective bidders should contact the Public Information Unit, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, either in writing or by telephone (504) 736-2519. For additional information, contact the Regional Supervisor for Leasing and Environment at the above address or by telephone at (504) 736-2759.

(b) **Navigation Safety.** In accordance with 33 CFR 322.5 (1), operations on some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the U.S. Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.), as amended.

U.S. Corps of Engineers (COE) permits are required for the construction of any artificial islands, installations, and other devices temporarily or permanently attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended.

For additional information, prospective bidders should contact Lt. Commander William M. Prosser, Assistant Marine Port Safety Officer, 8th Coast Guard District, Hale Boggs Federal Building, New Orleans, Louisiana 70130, telephone (504) 589-6901. For COE information, prospective bidders should contact Mr. Dolan Dunn, Chief Evaluation Section, Regulatory Branch, P.O. Box 1229, Galveston, Texas 77553, telephone (409) 766-3935.

(c) **Offshore Pipelines.** Lessees are advised that the Department of the Interior and the Department of Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(d) **8-Year Leases.** Bidders are advised that any lease issued for a term of 8 years will be canceled after 5 years, following notice pursuant to the OCS Lands Act, as amended, if within the initial 5-year period of the lease, the drilling of an exploratory well has not been initiated; or if initiated, the well has not been drilled in conformance with the approved exploration plan criteria; or if there is not a suspension of operations in effect, etc. Bidders are referred to 30 CFR 256.37.

(e) **Affirmative Action.** Revision of the Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) has been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should changes become effective at any time before the issuance of

leases resulting from this sale, section 18 of the lease form (Form MMS-2005, March 1986) would be deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this Notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1).

Submission of Form MMS-2032 (June 1985) and Form MMS-2033 (June 1985) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

(f) **Ordnance Disposal Areas.** Bidders are cautioned as to the existence of two inactive ordnance disposal areas in the Corpus Christi and East Breaks areas, shown on Map 1 described in paragraph 12 of this Notice. These areas were used to dispose of ordnance of unknown composition and quantity. These areas have not been used since about 1970. Water depths in the Corpus Christi area range from approximately 600 to 900 meters. Water depths in the East Breaks area range from approximately 300 to 700 meters. Bottom sediments in both areas are generally soft, consisting of silty clays. Exploration and development activities in these areas require precautions commensurate with the potential hazards. Lessees are also advised of an Environmental Protection Agency dumping site located in portions of Alaminos Canyon, East Breaks, Garden Banks, and Keathley Canyon.

(g) **Archaeological Resources.** Bidders are advised of the Notice to Lessees (NTL) affecting the historic shipwreck requirements published December 20, 1991, in the Federal Register pages 66076-66082 with an effective date of February 17, 1992. This NTL details the survey methodology, including a more intensive survey with line spacing 50 meters apart, and report writing requirements. A Letter to Lessees (LTL) of November 30, 1990, lists those blocks identified as having a high probability for encountering historic shipwrecks. Copies of both the NTL and the LTL are available from the MMS Public Information Unit upon request.

(h) **Proposed Rigs to Reefs.** Bidders are advised that there are OCS artificial reef sites and planning sites for the Gulf of Mexico. These are generally located in water depths of less than 200 meters. While all existing and proposed sites require a permit from the U.S. Army Corps of Engineers, this "Rigs to Reefs" program is implemented through State sponsorship. For more information, prospective bidders should contact the State Artificial Reef Coordinator for their areas of interest:

Alabama
Mr. Wallace M. Tatum
(205) 968-7578

Louisiana
Mr. Rick Kasprzac
(504) 765-2375

Mississippi
Mr. Mike Buchanan
(601) 385-5860

Texas
Mr. Hal R. Osburn
(512) 389-4863

Scott Sewell

Director, Minerals Management Service

Scott Sewell

Approved:

Richard Roldan

ACTING Assistant Secretary, Land and Minerals Management

Richard Roldan

July 7, 1992

Date

Billing Code: 4310-MR

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf
Western Gulf of Mexico

Notice of Leasing Systems, Sale 141

Section 8(a)(8) (43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act (OCSLA) requires that, at least 30 days before any lease sale, a Notice be submitted to the Congress and published in the Federal Register:

1. identifying the bidding systems to be used and the reasons for such use; and

2. designating the tracts to be offered under each bidding system and the reasons for such designation.

This Notice is published pursuant to these requirements.

1. Bidding systems to be used. In the Outer Continental Shelf (OCS) Sale 141, blocks will be offered under the following two bidding systems as authorized by section 8(a)(1) (43 U.S.C. 1337(a)(1)): (a) bonus bidding with a fixed 16 2/3-percent royalty on all unleased blocks in less than 400 meters of water; and (b) bonus bidding with a fixed 12 1/2-percent royalty on all remaining unleased blocks.

a. Bonus Bidding with a 16 2/3-Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA. This system has been used extensively since the passage of the OCSLA in 1953 and imposes greater risks on the lessee than systems with higher contingency payments but may yield more rewards if a commercial field is discovered. The relatively high front-end bonus payments may encourage rapid exploration.

b. Bonus Bidding with a 12 1/2-Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA. It has been chosen for certain deeper water blocks proposed for the Western Gulf of Mexico (Sale 141) because these blocks are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water blocks. Department of the Interior analyses indicate that the minimum economically developable discovery on a block in such high-cost areas under a 12 1/2-percent royalty system would be less than for the same blocks under a 16 2/3-percent royalty system. As a result, more blocks may be explored and developed. In addition, the lower royalty rate system is expected to encourage more rapid production and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary constraints to competition.

2. Designation of Blocks. The selection of blocks to be offered under the two systems was based on the following factors:

a. Lease terms on adjacent, previously leased blocks were considered to enhance orderly development of each field.

b. Blocks in deep water were selected for the 12 1/2-percent royalty system based on the favorable performance of this system in these high-cost areas as evidenced in our analyses.

The specific blocks to be offered under each system are shown on Map 2 entitled "Western Gulf of Mexico Lease Sale 141 - Final. Bidding Systems and Bidding Units." This map is available from the Minerals Management Service, Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394.

Scott Sewell
Director, Minerals Management Service

Approved:

Scott Sewell

Richard Roldan
ACTING Assistant Secretary - Land and Minerals Management

Richard Roldan

Date: July 7, 1992

[FR Doc. 92-16276 Filed 7-9-92; 8:45 am]
BILLING CODE 4310-MR-C

federal register

Friday
July 10, 1992

Part IX

Department of Education

Office of Special Education and Rehabilitative Services

34 CFR Part 366

Centers for Independent Living; Proposed Rule

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

34 CFR Part 366

RIN 1820-AA81

Centers for Independent Living

AGENCY: Department of Education.

ACTION: Advance Notice of Proposed Rulemaking (ANPRM).

SUMMARY: The Secretary of Education provides advance notice that the Department intends to amend the regulations in part 366 governing the Centers for Independent Living (CIL) program by amending existing regulations and by adding regulations in a new subpart F and a new subpart G to implement requirements added by the Rehabilitation Act Amendments of 1986 (1986 Amendments), Public Law 99-506. The 1986 Amendments added new sections 711(f) and 711(g) to part B of title VII of the Rehabilitation Act of 1973, as amended (Act), which establishes the CIL program. These two sections require that (1) the Secretary publish in the **Federal Register** indicators of what constitutes minimum compliance with evaluation standards developed pursuant to section 711(e)(1) of the Act and approved by the National Council on Disability (NCD), formerly the National Council on the Handicapped (NCH); (2) each grantee report to the Secretary at the end of each project year the extent to which each center under the grant is in compliance with the evaluation standards; (3) the Secretary ensure that a continuation award is made only to a grantee that is in compliance with the evaluation standards and the provisions of its approved grant application; (4) the Secretary give priority to geographic areas among the States that are currently not served or are underserved by CIL projects; and (5) the Secretary consider past performance, if appropriate, in making new grant awards. The ANPRM proposes to implement the requirements in sections 711(e), 711(f), and 711(g), and amend the application requirements for the program. The ANPRM is consistent with the requirements in section 711(c)(3) of the Act. The Secretary publishes this notice to move toward a minimum level of consistency among centers, where appropriate, and to promote increased quality of independent living services to individuals with severe disabilities.

This advance notice of proposed rulemaking will be followed by a notice of proposed rulemaking prior to publication of final regulations.

DATES: Comments must be received on or before August 24, 1992.

ADDRESSES: All comments concerning this notice should be addressed to Nell C. Carney, Commissioner, Rehabilitation Services Administration, room 3028 Mary E. Switzer Building, 400 Maryland Avenue, SW., Washington, DC 20202-2575.

FOR FURTHER INFORMATION CONTACT: John Nelson, Office of Developmental Programs, Rehabilitation Services Administration, Room 3326 Mary E. Switzer Building, 400 Maryland Avenue, SW., Washington, DC 20202-2741. Telephone: (202) 205-9362. TDD users may contact the Program Specialist via the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: This advance notice of proposed rulemaking recommends proposing a new subpart F in part 366 that would contain the proposed evaluation standards for centers for independent living and a new subpart G that would contain proposed indicators of what constitutes minimum compliance with the proposed evaluation standards for the CIL program. This ANPRM also proposes making certain changes to the existing regulations to implement changes in the Act made by the 1986 Amendments and proposes making other clarifying changes.

Proposed Evaluation Standards

In 1984, the Rehabilitation Services Administration (RSA) began a process for developing and publishing standards for evaluation consistent with the provisions of section 711(c)(3) of the Act to assist each independent living center receiving funds under title VII of the Act to review and evaluate the operation of its center. Experts in the field of independent living participated in the drafting of these standards. RSA distributed the standards for review and comment to over 500 individuals and organizations, including independent living centers, disability organizations, researchers, consumer groups, and other experts on disability issues. After this distribution, RSA revised the draft standards and submitted them to NCD, which approved them.

Subsequent review by the Department of Education has revealed that revisions were necessary to several of the standards to better implement the requirements of the Act, as amended in 1986. In addition, some elements of the standards would be more appropriate as regulatory requirements (e.g., application requirements) rather than as standards for evaluation. Therefore, pursuant to section 711(e)(1) of the Act, the Secretary proposes to revise the standards to address these problems and is publishing in this ANPRM proposed evaluation standards for centers for independent living for public comment. A chart comparing the standards and the Secretary's proposed evaluation standards is published as an appendix to this ANPRM for information purposes only. The chart indicates the standards that would become regulatory requirements or application assurances.

Simultaneously with the publication of this ANPRM, the Secretary is forwarding the proposed evaluation standards to NCD for its comments. The Secretary will publish a notice of proposed rulemaking, including the proposed evaluation standards, based on comments both from the public and NCD. Prior to publishing final evaluation standards in the **Federal Register**, the proposed evaluation standards will be forwarded to the NCD for its approval, as required by section 711(e)(4) of the Act. If approved by NCD, the Secretary expects that the evaluation standards would go into effect for use with FY 1993 awards.

Pursuant to sections 711(e)(1) and 711(f)(3) of the Act, the Secretary proposes the following standards to evaluate the operation of each center that receives funds under part B of title VII of the Act:

- *Proposed evaluation standard 1* (Practice of independent living philosophy—§ 366.50(a)) would require a center to promote and practice the independent living philosophy of consumer control, equal access, and self-advocacy by individuals with severe handicaps. Proposed evaluation standard 1 implements sections 711(c)(3)(A) through (C) and (G) through (J) of the Act.

- *Proposed evaluation standard 2* (Range of disabilities served—§ 366.50(b)) would require a center to provide services to individuals with a range of severe disabilities. Although some existing centers serve primarily the specific needs of discrete disability groups, such as individuals who have severe visual or hearing impairments, a cornerstone principle of the philosophy of independent living centers is that centers must serve individuals with a range of disabilities. The provision of independent living services to individuals with a range of disabilities also is an important indicator of a center's effectiveness in serving individuals with severe handicaps.

Accordingly, the Secretary has determined that centers may not refuse to serve an individual solely because of his or her type of disability and that centers may not limit their independent living services to the provision of special programs devoted solely to individuals with only one or two types of disabilities.

Proposed evaluation standard 2 would also implement the intent of Congress, as evidenced in the legislative history of the 1986 Amendments, that centers may not limit the provision of services to individuals with only one or two types of disabilities. Senate Report No. 99–388, which accompanied Senate Bill S. 2515, indicates quite clearly that the Senate understood and approved the requirement that each center must serve individuals with a range of disabilities. The Senate Report states that the Senate Committee on Labor and Human Resources ("Senate Committee") "recognize[d] that some currently existing Independent Living Centers serve primarily the specific needs of discrete disability groups, such as the visual and hearing impaired, and offer critical services to these individuals." Senate Report No. 99–388, 99th Cong., 2d Sess. 26 (1986). However, the Senate Committee went on to state, in the very next sentence, its "[intent] that these existing Independent Living Centers be able to meet the needs of these discrete groups *while seeking to serve individuals with a range of disabilities.*" [Emphasis added.] Id.

Proposed evaluation standard 2 implements sections 711(c)(3) (A) and (B) of the Act.

• *Proposed evaluation standard 3* (Achievement of individual independent living goals—§ 366.50(c)) would require a center to increase the development and achievement of independent living goals by individuals with severe handicaps. Proposed evaluation standard 3 implements section 711(c)(3)(F) of the Act.

• *Proposed evaluation standard 4* (Increase and improve community options for independent living—§ 366.50(d)) would require a center to work to increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of independent living goals by individuals with severe disabilities. Proposed evaluation standard 4 implements section 711(c)(3)(H) through (J) of the Act.

• *Proposed evaluation standard 5* (Range of services—§ 366.50(e)) would require a center to provide a range of services to individuals with severe handicaps. The range of services that a center provides must include, as appropriate, a combination of services chosen by the center from those services listed in section 711(c)(2) of the Act. Although "advocacy," "independent living skills training," and "peer counseling" have been considered "core services" by centers for independent living and NCD, the Act does not designate these three services as mandatory services. Therefore, proposed evaluation standard 5 would not give preference to centers that provide "advocacy," "independent living skills training," and "peer counseling" over centers that provide other services. Proposed evaluation standard 5 implements section 711(c)(3)(C) of the Act.

• *Proposed evaluation standard 6* (Resource development—§ 366.53(g)) would require a center to conduct resource development activities to obtain funding from sources other than title VII of the Act. Proposed evaluation standard 6 implements section 711(c)(3)(D) and (H) through (J) of the Act.

Comments on the validity, usefulness and measurability of the proposed evaluation standards are encouraged. Submitting data to support any suggested changes to the proposed evaluation standards also is encouraged. The Secretary is particularly interested in soliciting comments regarding the proposed weights, minimum performance levels, and performance ranges of the proposed indicators of compliance.

Proposed Indicators of Compliance

The Secretary has developed proposed indicators of what constitutes minimum compliance with the proposed evaluation standards based upon consideration of the individual views of experts in the field of independent living, substantial experience in administration of the grant program, and analysis of the FY 1986 through 1988 data from 100 centers that were submitted pursuant to section 711(c)(3) of the Act. Pursuant to section 711(f)(1) of the Act, the proposed compliance indicators would establish weights, minimum performance levels, and performance ranges to determine whether an individual center complies with the proposed evaluation standards. Each proposed compliance indicator would measure the performance of an individual center for independent living in an essential project area as follows:

• *Proposed compliance indicator (a)*—§ 366.63(a). Compliance with proposed evaluation standard 1, which requires that the center shall promote and practice the independent living philosophy, would be determined by a center's performance on a proposed indicator that would require evidence that the center has engaged in activities that promoted the independent living philosophy described in § 366.50(a) of the ANPRM. To achieve the minimum number of points on this proposed indicator, a center would have to provide evidence that it had engaged in at least three of the six listed activities.

The Secretary is particularly interested in comments on the validity, usefulness, and measurability of these and any other activities that should be recognized as contributing to the practice of the independent living philosophy.

• *Proposed compliance indicator (b)*—§ 366.63(b). Compliance with proposed evaluation standard 2, which requires that the center shall provide services to individuals with a range of severe disabilities, would be determined by a center's performance on a proposed indicator that would identify the number of severe disability categories represented by the individuals with severe disabilities served by the center. The severe disability categories are listed in § 366.20(h) of the ANPRM.

To achieve the minimum number of points on this proposed indicator, a center would have to serve individuals whose primary severe disabilities include severe disabilities from a minimum of three of the eight categories listed in § 366.20(h). Each of the 3 severe disability categories would have to include no less than 10 percent of the total number of individuals served by the center (with each individual being counted only once). Comments on the proposed severe disability categories are encouraged.

• *Proposed compliance indicators (c)(1) and (c)(2)*—§ 366.63(c)(1) and (c)(2). Compliance with proposed evaluation standard 3, which requires that the center shall increase the development and achievement of independent living goals by individuals with severe disabilities, would be determined by a center's performance on two proposed indicators that would identify the percentage of individuals with severe handicaps served by the center who have new or amended independent living plans (ILPs) and the percentage of individuals with ILPs served by the center who achieve a major independent living goal. The proposed indicators would make centers accountable for supporting the development and achievement of consumer goals.

To achieve the minimum number of points on proposed indicator (c)(1), a center would have to assist a minimum

of 30 percent of the individuals with severe handicaps served during the project year in developing or amending ILPs. All individuals served during the project year would be considered for compliance with this indicator. For a center to achieve the minimum number of points on proposed indicator (c)(2), a minimum of 50 percent of the individuals who had ILPs developed or amended with assistance by the center during the project year would have to achieve at least one major goal identified jointly by center staff and the individual with severe handicaps.

The Secretary particularly invites comments on how the achievement of independent living (IL) goals is determined currently and on the proposed point ranges for these indicators of performance

• *Proposed compliance indicator (d)*—§ 366.63(d). Compliance with proposed evaluation standard 4, which requires that the center shall work to increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of independent living goals by individuals with severe disabilities, would be determined by a center's compliance with a proposed indicator that requires a center to provide evidence that it has worked to increase and improve community options for independent living for individuals with severe handicaps. To achieve the minimum number of points on this proposed indicator, a center would have to provide evidence that it had engaged in at least two of the five listed activities. Comments on definitions and measures of actions and outcomes in effecting change in community options for independent living are particularly encouraged.

• *Proposed compliance indicators (e)(1) and (e)(2)*—§ 366.63(e)(1) and (e)(2). Compliance with proposed evaluation standard 5, which requires that the center shall provide a range of services to individuals with severe disabilities, would be determined by a center's performance on two proposed compliance indicators that would identify the number of different independent living services provided to individuals with severe handicaps and the percentage of individuals with severe handicaps who received a range of services.

To achieve the minimum number of points on proposed indicator (e)(1), a center would have to provide a minimum of 6 of the 18 different types of services identified in § 366.50(e) of the ANPRM to individuals with severe handicaps. For a center to achieve the minimum number of points on proposed indicator (e)(2), a minimum of 20 percent of all individuals served by the center would have to receive at least 2 different types of services.

The Secretary invites specific comment on the number of independent living services that centers should provide in order to comply with indicator (e)(1) and the appropriateness of the point ranges proposed for compliance with these indicators.

• *Proposed compliance indicator (f)*—§ 366.63(f). Compliance with proposed evaluation standard 6, which requires that the center shall conduct resource development activities to obtain funding from sources other than title VII of the Rehabilitation Act of 1973, as amended, would be determined by a center's performance on a proposed indicator that would identify the amount of funds to conduct independent living services obtained by the center from sources other than title VII of the Act during the project year. To achieve the minimum number of points on this proposed indicator, a center would have to obtain funds to conduct independent living services from sources other than title VII in an amount that is equal to at least 10 percent of all funds received by the center under title VII during the project year. Comments are requested regarding the appropriateness of the proposed point range.

Comments on the validity, usefulness and measurability of all of the above proposed compliance indicators are encouraged. Submitting data to support any suggested changes to the proposed compliance indicators also is encouraged.

Principles for Weighting

This ANPRM recommends proposing weights for each proposed evaluation standard as follows:

Proposed evaluation standards	Weight
1—Practice of independent living philosophy (Compliance indicator (a))	10
2—Range of disabilities served (Compliance indicator (b))	20
3—Achievement of independent living goals (Compliance indicators (c)(1) and (c)(2))	20
4—Increase and improve community options (Compliance indicator (d))	10
5—Range of services (Compliance indicators (e)(1) and (e)(2))	20
6—Resource development (Compliance indicator (f))	20
Total	100

With the exception of proposed evaluation standards 1 and 4, the proposed weighting pattern would give each of the proposed evaluation standards, as measured by their respective proposed compliance indicators, an equal weight of 20 points. The larger weight of 20 points, which would be assigned to proposed evaluation standards 2, 3, 5, and 6, reflects a focus upon those specific program areas of a center that provide services or resources for services and that support individuals with severe handicaps. The smaller weight of 10 points, which would be assigned to proposed evaluation standards 1 and 4, reflects a lesser focus upon the less tangible measures of the process by which a center achieves compliance and upon the small ranges of performance found in these 2 proposed evaluation standards.

The ANPRM would propose to establish the separate performance levels that a center would have to achieve to receive the minimum number of points for each compliance indicator. However, the notice would propose to establish a composite scoring system based on a center's overall performance on all of the compliance indicators. A center's overall performance, or composite score, would be used to determine the center's compliance with the proposed evaluation standards.

The minimum composite score a center would have to achieve to be in compliance with the proposed evaluation standards and, thus, be eligible for continuation funding would be 65 points. This methodology would allow a center that performs poorly on some of the proposed evaluation standards, as determined by the proposed compliance indicators, to be eligible for continuation funding if the center performs well on most of the proposed evaluation standards. Thus, a center would know exactly what overall minimum level of performance would be expected to be in compliance with the proposed evaluation standards. The Rehabilitation Services Administration will provide training and technical assistance to centers on the application of the indicators prior to implementation. The maximum possible composite score a center could achieve would be 100 points.

Comments on the proposed minimum performance levels and performance ranges, the composite score needed to comply with the proposed evaluation standards, and on the relative weights assigned to each proposed compliance indicator and to each proposed evaluation standard are particularly encouraged. Submitting data to support any suggested changes, especially data relevant to the establishment of ranges

and levels of performance, is particularly encouraged.

Application of Compliance Indicators

As stated earlier, the Secretary would use the proposed compliance indicators to determine whether a center has complied with the proposed evaluation standards and, thus, is eligible for continuation funding. For those grants that include several centers, each center would have to meet the compliance indicators. If one or more centers under a grant do not meet the compliance indicators, the Secretary would continue funding only those centers under the grant that are in compliance with the indicators. A center's performance would be determined by the data it submitted for the most recent complete project year. For a center that does not meet the minimum composite score on the basis of the previous year's performance, proposed § 366.43(b) would provide an additional opportunity for that center to submit data from the first six months of the current project year to demonstrate that the most recent data available shows it would meet the minimum composite score. In this way, a center would have two opportunities to demonstrate that it has complied with the proposed evaluation standards and, thus, that it is eligible for continuation funding.

The proposed compliance indicators would apply to continuation awards for the third or any subsequent year of a CIL grant made in FY 1992 and thereafter. Because grant awards under this program are made near the end of the fiscal year with project periods that run concurrently with the following fiscal year, a center would receive two years of funding before its performance would be measured against the proposed compliance indicators. This is because, at the time a center would apply for its second year of funding (or its first continuation award), it would not have available a full project year of data. When a center submits its application for its third year of funding (or its second continuation award), it would be required to submit project data from the first year of funding.

As previously described, the Secretary would use data either from a center's most recent complete project year or from the first six months of the current project year, whichever is more favorable to the center, to determine whether it meets the minimum composite score. Failure to submit the required data with a center's application for continuation funding would prevent the Secretary from considering the continued funding of the center's project.

The Rehabilitation Services Administration will provide technical assistance to any center found to be out of compliance with the indicators. A corrective action plan will be implemented to establish action steps and timeframes to assure that the center will be in compliance with the indicators by the next funding cycle. Failure to satisfy the provisions of the corrective action plan could affect future funding of continuation awards.

Beginning with new awards made in FY 1993, if applicable, the Secretary also would use the proposed compliance indicators as an additional factor in evaluating a former or present center's "past performance." This is explained more fully under "Consideration of Past Performance."

Other Changes

The ANPRM proposes to amend 34 CFR Part 366 by replacing the words "individuals with handicaps" with "individuals with severe handicaps." Both the Act and the regulations implementing the CIL program are inconsistent in their use of the terms "individuals with handicaps" and "individuals with severe handicaps." However, sections 701 and 702 of the Act and the legislative history of title VII of the Act clearly indicate that the purpose of title VII, in its entirety, is to provide services only to "individuals with severe handicaps."

The ANPRM proposes to amend § 366.2(b) by changing the time in which a designated State unit shall submit an application, or advise the Secretary in writing of its decision not to submit an application, from "within three months after the beginning of a fiscal year" to "within three months after the date in each fiscal year on which the Secretary begins accepting applications." This change would make this provision consistent with section 711(d) of the Act.

The ANPRM proposes to amend § 366.4 by adding definitions for the following terms: "communication," "community advocacy," "housing services," "individual advocacy," "independent living plan," "independent living skills training," "information and referral," "peer counseling," "primary severe disability," "severe disability," and "transportation services."

The ANPRM proposes to amend § 366.4 by deleting the definition of the term "individual with severe handicaps." The definition of the term "individual with serve handicaps" presently in the regulations is not entirely consistent with the definition of this term in the Act nor is it entirely consistent with the purposes of the CIL program. The proposed definition of "severe disability" encompasses the statutory definition of the term "individual with severe handicaps."

The ANPRM proposes to amend § 366.20 by adding three new application requirements. Under the proposed application requirements, a center would have to add to its application for continuation funding three new assurances: (1) An assurance that the center shall make eligibility determinations without regard to the type or types of severe disabling conditions present in persons seeking services; (2) an assurance that the center has developed and implemented a plan to take affirmative action to employ, and advance in employment, qualified individuals with severe disabilities on the same terms and conditions required with respect to the employment of individuals with severe disabilities both under the provisions of the Act that govern employment by State rehabilitation agencies and rehabilitation facilities, and under Federal contracts and subcontracts; and (3) an assurance that the center has responded to inquiries and requests for information or referral concerning independent living services and benefits.

Compliance with the assurances required by § 366.20, as proposed, would be determined after an on-site compliance review of the center. The Rehabilitation Services Administration will conduct on-site compliance reviews of centers pursuant to section 711(f)(3) of the Act.

The ANPRM proposes to amend § 366.20 by adding a new paragraph (h) that would list the eight major categories into which severe disabilities could be grouped for purposes of paragraph (g) of this section and compliance indicator (b) in § 366.63 of the ANPRM.

The ANPRM proposes to amend § 366.31 by adding 11 new selection criteria that are derived, in part, from elements found in the draft standards and, in part, from the Secretary's consideration of the views of experts in the field of independent living and data submitted pursuant to section 711(c)(3) of the Act. The proposed criteria would be added to the selection criteria used by the Secretary to evaluate each application for a new grant in the following areas: plan of operation, service comprehensiveness, quality of key personnel, and budget effectiveness.

Consideration of Geographical Location—§ 366.32(a)

The ANPRM also proposes to provide that, in making new awards, the

Secretary give priority to geographic areas among the States that are currently not served or are underserved by CIL projects. This proposed provision would implement sections 711(g)(2) and 711(h) of the Act.

Consideration of Past Performance—§ 366.32 (b) and (c)

The ANPRM proposes to provide that, beginning with new awards made in FY 1993, the Secretary consider the past performance of an applicant in carrying out a similar CIL project under previously awarded grants. The Secretary would evaluate the past performance of an applicant for a new grant by examining the applicant's compliance with grant conditions, including compliance with the requirements of the Act and applicable regulations, and the soundness of its programmatic and financial management practices.

The ANPRM also proposes to provide that, beginning with new awards made in FY 1993, the Secretary consider an applicant's compliance with the requirements of §§ 366.61 through 366.63 as an additional factor in evaluating an applicant's past performance. These proposed provisions would implement section 711(g)(3) of the Act.

The ANPRM uses the term "handicap," as currently found in the applicable statute. The Department has proposed the elimination of the term "handicap" in its proposal to reauthorize the Rehabilitation Act. It is expected that this term will be changed to "disability" after the reauthorization of the Rehabilitation Act. If that occurs, the term will also be changed in applicable regulations.

Invitation to Comment:

Interested persons are invited to submit comments and recommendations regarding this advance notice of proposed rulemaking.

All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Room 3038, Switzer Building, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the overall requirement of reducing regulatory burden, the Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in this ANPRM.

List of Subjects in 34 CFR Part 366

Education, Grant programs—education, Grant programs—social programs, Reporting and recordkeeping requirements, Vocational rehabilitation.

Dated: July 7, 1992.

Lamar Alexander,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number: 84.132 Centers for Independent Living)

The Secretary issues an advance notice of proposed rulemaking containing the following changes that may be proposed to part 366 of title 34 of the Code of Federal Regulations.

PART 366—CENTERS FOR INDEPENDENT LIVING

1. The authority citation for part 366 continues to read as follows:

Authority: 29 U.S.C. 711 and 796e, unless otherwise noted.

2. Section 366.2(b) would be amended by removing the words "after the beginning of a fiscal year or if a State unit has advised the Secretary in writing at any time within three months after the beginning of a fiscal year of its decision not to submit an application" and adding, in their place, the words "after the date in each fiscal year on which the Secretary begins accepting applications from designated State units or if a designated State unit has advised the Secretary in writing at any time within three months after the date in each fiscal year on which the Secretary begins accepting applications from designated State units of its decision not to submit an application".

3. In § 366.3, paragraph (a) would be amended by removing "part 78 (Education Appeal Board), and" and adding, before the period at the end of the paragraph, ", part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), part 81 (General Education Provisions Act—Enforcement), part 82 (New Restrictions on Lobbying), part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)), and part 86 (Drug-Free Schools and Campuses)".

4. Section 366.4(b) would be amended by removing the definition of *Individual with severe handicaps* and by adding in alphabetical order definitions of *Communication, Community advocacy, Housing services, Individual advocacy, Independent living plan, Independent living skills training, Information and referral, Peer counseling, Primary severe disability, Severe disability,* and *Transportation services to read as follows: § 366.4 What definitions apply to this program?*

* * * * *

(b) * * *

Communication means to transmit or convey written or oral information in a manner responding to the needs of individuals with handicaps, including the provision of services such as communication devices, interpreters (manual and oral interpreters for the deaf, non-English and other), readers, braille, large print, and tapes.

Community advocacy means procedures used by centers to represent individuals (or groups of individuals) with severe handicaps, and to assist these individuals to act on their own behalf, to advocate for new community options, removal of barriers to independent living, and improvement and enforcement of policies, procedures, and laws that facilitate or improve the ability of persons with severe disabilities to live independently.

* * * * *

Housing services means procedures and activities carried out by centers to assist individuals with severe handicaps in obtaining housing that is accessible or can be made accessible.

Individual advocacy means procedures used by centers to represent individuals with severe handicaps, or to assist these individuals to act on their own behalf, for the purpose of achieving, maintaining, or improving their independent living goals or obtaining their legal rights and benefits.

Independent living plan means a written document containing the specific goals an individual plans to achieve and the steps, actions, or activities that he or she and the center will take to reach these goals. An independent living plan must be jointly developed and signed by the individual with severe handicaps and by the designated center staff member. If applicable, the independent living plan must be coordinated with any individualized written rehabilitation program developed under section 102 of the Act, section 123 of the Developmental Disabilities Act of 1984, and sections 612(4) and 614(5) of the Individuals with Disabilities Education Act.

Independent living skills training means instruction to develop independent living skills in areas such as, but not limited to, daily living activities, personal care, financial management, social skills, and prevocational training.

Information and referral means responding to specific inquiries concerning any aspect of independent

living from individuals with severe handicaps, their families, other independent living services providers, and the community at large and, if necessary, making referrals to other organizations or agencies for necessary services or additional information.

Peer counseling means guidance provided by individuals with severe handicaps (e.g., as counselors, advisors, role models, and mentors) to assist other individuals with severe handicaps to develop, clarify, and achieve their independent living goals.

Primary severe disability means the severe disability that the individual identifies as most limiting to his or her ability to function independently in family or community or to engage or continue in employment.

Severe disability means an injury, disease, or mental or physical impairment or disorder so substantially limiting to an individual's ability to function independently in family or community or to engage or continue in employment that independent living services are required for the individual to achieve a greater level of independence in functioning in family or community or engaging or continuing in employment.

Transportation services means the procedures and activities carried out by centers to make public and private transportation available and accessible to individuals with severe handicaps.

(Authority: 29 U.S.C. 711(c) and 796e)

5. Section 366.20 would be amended by redesignating paragraph (d) as paragraph (g); removing the words "individuals with handicaps" from paragraphs (a), (b), and (c) and from redesignated paragraph (g), and adding, in their place, the words "individuals with severe handicaps"; removing the words "varying handicapping" from redesignated paragraph (g)(2) and adding, in their place, the words "different types of severely handicapping"; removing the word "and" after the semicolon following paragraph (c); and adding new paragraphs (d), (e), (f), and (h) and revising the authority citation at the end of the section to read as follows:

§ 366.20 What are the application requirements?

* * * * *

(d) An assurance that the center shall make eligibility determinations without regard to the type or types of severe disabling conditions present in persons seeking services;

(e) An assurance that the center will develop and implement a plan to take affirmative action to employ, and advance in employment, qualified individuals with severe disabilities on the same terms and conditions required with respect to the employment of individuals with severe disabilities both under the provisions under the Act that govern employment by State rehabilitation agencies and rehabilitation facilities, and under Federal contracts and subcontracts.

(f) An assurance that the center will respond to inquiries and requests for information or referral concerning independent living services and benefits.

* * * * *

(h) For purposes of paragraphs (g)(1) and (g)(2) of this section and § 366.63(b), severe disabilities are grouped into the following categories:

(1) "Hearing impairments or disorders," including deafness.

(2) "Mental illness," including psychotic, neurotic, character, personality, and behavior impairments or disorders.

(3) "Mental retardation," including below average intellectual functioning concurrent with deficits in adaptive behavior.

(4) "Neurological impairment or disorder," including impairments or disorders of the nervous system (e.g., multiple sclerosis, epilepsy, and cerebral palsy), except as related to musculoskeletal system impairments, and other nervous system impairments.

(5) "Orthopedic impairment or disorder," including impairments or disorders of the musculoskeletal system related to infections (e.g., polio), non-infectious diseases (e.g., arthritis and muscular dystrophy), and accidents (e.g., amputation and spinal cord injury).

(6) "Traumatic brain injury," including any physical, mental, or behavioral impairment or disorder resulting from physical injury to the brain caused by a trauma or force.

(7) "Visual impairment or disorder," including blindness.

(8) "Other severe impairments or disorders," which means any severe injuries, diseases, or physical or mental impairments or disorders not included in paragraphs (h)(1) through (7) of this section.

* * * * *

(Authority: 29 U.S.C. 711(c), 796e(a), 796e(b)(3), 796e(c)(1), and 796e(f))

6. In § 366.31, paragraph (c)(2)(iii) would be amended by adding, before the word "disabilities", the word "severe"; paragraph (b)(2) would be amended by removing the period in (b)(2)(v)(D) and adding, in its place, a semicolon, and adding paragraphs (b)(2)(vi) and (vii); paragraph (c)(2) would be amended by removing the word "and" after the semicolon in (c)(2)(ii), and adding paragraphs (c)(2)(iv), (v), (vi) and (vii); paragraph (d) would be amended by adding paragraphs (d)(4), (d)(4)(i), (d)(4)(ii), (d)(4)(iii) and (d)(4)(iv); and paragraph (f)(2) would be amended by removing the word "and" after the semicolon in (f)(2)(i), removing the period in (f)(2)(ii) and adding, in its place, a semicolon, adding paragraphs (f)(2) (iii) and (iv), and paragraph (g) would be amended by adding a cross-reference following (g)(2) to read as follows:

§ 366.31 What selection criteria does the Secretary use in this program?

* * * * *

(b) * * *

(2) * * *

(vi) A clear description of the center's overall goals and mission; and

(vii) A clear description of the center's work plan for achieving its established goals and mission.

(c) * * *

(2) * * *

(iv) Evidence that the center has established service priorities and has documented the needs to be addressed;

(v) Evidence that the center has established specific objectives for the numbers of individuals with severe disabilities it plans to serve;

(vi) Evidence that the center has identified the types of severe disabilities of the individuals it plans to serve; and

(vii) Evidence that the center has identified the types of services it plans to provide and its service delivery procedures.

(d) * * *

(4) The Secretary reviews each application for—

(i) Copies of written policies and procedures that specify appropriate roles and responsibilities for the governing board and center staff and that establish clear lines of authority and supervision between the two;

(ii) Job descriptions for all personnel and, to the extent possible, for all volunteers;

(iii) Descriptions of personnel performance appraisal procedures; and

(iv) Descriptions of plans for the training and development of the center's governing board and staff.

* * * * *

(f) * * *

(2) * * *

(iii) A plan for resource development activities (e.g., fee-for-service arrangements, endowment funds, corporate donations and development, and grants) appropriate to achieve

growth and self-sufficiency of the center; and

(iv) A projection of costs of services and activities (e.g., total program costs, service component costs, and average cost per service and per individual served).

(g) * * *

(2) * * *

Cross-Reference. See § 75.590 Evaluation by the grantee.

* * * * *

7. A new § 366.32 would be added to read as follows:

§ 366.32 What other factors does the Secretary consider in reviewing an application?

In addition to the selection criteria in § 366.31, the Secretary, in making new awards under this program—

(a) Gives priority to geographic areas that are currently not served or are underserved by the Centers for Independent Living program;

(b) Considers in fiscal year 1993 and thereafter the past performance, if any, of the applicant in carrying out a similar Center for Independent Living project under previously awarded grants, as indicated by factors such as compliance with grant conditions, soundness of programmatic and financial management practices, and meeting the requirements of section 711(c)(3) of the Act; and

(c) Beginning with fiscal year 1993, considers the past performance, if any, of the applicant in carrying out a similar Center for Independent Living project under previously awarded grants, as indicated by factors such as compliance with grant conditions, including compliance with requirements of the Act and applicable regulations, soundness of programmatic and financial management practices, and meeting the requirements of §§ 366.61 through 366.63.

(Authority: 29 U.S.C. 796(e) and 796e(f))

8. Section 366.43 would be revised to read as follows:

§ 366.43 What are the reporting requirements?

(a) Each application for continuation funding for the third or any subsequent year of a grant must include data for the most recent complete project year that enables the Secretary to determine the extent to which the center has met the evaluation standards in subpart F as measured by the program compliance indicators established in subpart G of this part.

(b) If the data for the most recent complete project year provided under paragraph (a) of this section shows that the center has failed to achieve the minimum composite score required in § 366.62(a), that center may, at its option, submit data from the first six months of its most current project year to demonstrate that its project performance has improved sufficiently to meet the minimum composite score.

(Authority: 29 U.S.C. 796(e)e and 796e(f))

9. Part 366 would be amended by adding a new Subpart F consisting of §§ 366.50 and 366.51 to read as follows:

Subpart F—What Are the Project Evaluation Standards?

§ 366.50 What are project evaluation standards?

§ 366.51 Composite chart of maximum weights for each evaluation standard.

§§ 366.52–366.59 [Reserved]

§ 366.50 What are project evaluation standards?

The project evaluation standards for independent living centers assist the Secretary and each center for independent living to review and evaluate the effectiveness of the center's operation. The project evaluation standards are—

(a) Standard 1—Practice of independent living philosophy. (Maximum weight—10 points) The center shall promote and practice the independent living philosophy of—

(1) Consumer control of the center for independent living. This means that qualified individuals with severe handicaps are substantially involved in the decision-making, service delivery, management, and establishment of the policy and direction of the center;

(2) Self-help and self-advocacy; and

(3) Equal access by individuals with severe handicaps to society and to all services, programs, activities, resources, and facilities, whether private or public, and regardless of the funding source (e.g., Federal, State, local or private);

(b) Standard 2—Range of disabilities served. (Maximum weight—20 points) The center shall provide services to individuals with a range of severe disabilities;

(c) Standard 3—Achievement of individual independent living goals. (Maximum weight—20 points) The center shall increase the development and achievement of independent living goals by individuals with severe handicaps in areas such as, but not limited to, one or more of the following as determined by the individual's independent living plan:

(1) Assistive devices.

(2) Communication skills.

(3) Community involvement.

(4) Consumer and legal rights.

(5) Education.

(6) Employment.

(7) Family life.

(8) Health and health care.

(9) Housing services.

(10) Household management.

(11) Income planning and financial management.

(12) Living arrangements.

(13) Mobility.

(14) Nutrition.

(15) Personal care services, training, and management.

(16) Personal growth and self-direction.

(17) Recreation.

(18) Reduction of architectural and social barriers.

(19) Social skills.

(20) Transportation services;

(d) Standard 4—Increase and improve community options for independent living. (Maximum weight—10 points)

(1) The center shall work to increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of independent living goals by individuals with severe handicaps by initiating and carrying out—

(i) Community advocacy;

(ii) Technical assistance;

(iii) Public information and education;

(iv) Outreach to consumers and service providers; and

(v) Collaboration with other agencies and organizations that could assist in improving community options for independent living.

(2) These five types of initiatives may be applied to the independent living goal areas listed in § 366.50(c);

(e) Standard 5—Range of Services. (Maximum weight—20 points) The center shall provide a combination of services, as appropriate to the independent living plans of individuals with severe handicaps. The types of services a center may provide include, but are not limited to—

(1) Barrier reduction services;

(2) Equipment and electronic services;

(3) Health maintenance services;

(4) Housing services;

(5) Income planning and financial management services;

(6) Independent living skills training;

(7) Individual advocacy;

(8) Legal services;

(9) Mobility training and orientation services;

(10) Peer counseling;

(11) Other counseling (e.g., non-peer, group, family, and professional);

(12) Personal care training, management, and services;

(13) Prevocational services;

(14) Reader, interpreter and other communication services;

(15) Recreational services;

(16) Rehabilitation engineering services;

(17) Social services; and

(18) Transportation services; and

(f) Standard 6—Resource development. (Maximum weight—20 points) The center shall conduct fund-raising activities to obtain funding from sources other than Title VII of the Rehabilitation Act of 1973, as amended, for the conduct of independent living services. Other sources may include, but are not limited to—

(1) Fee-for-service agreements;

(2) Private or public endowment funds;

(3) Corporate donations and development;

(4) State or local funding; and

(5) Private or public grants.

(Authority: 29 U.S.C. 796e)

§ 366.51 Composite chart of maximum weights for each evaluation standard.

MAXIMUM WEIGHTS AND CORRESPONDING COMPLIANCE INDICATORS FOR STANDARDS

Standard	Weight	Compliance indicators
1—Practice of independent living philosophy.	10	(a).
2—Range of disabilities served.	20	(b).
3—Achievement of independent living goals.	20	(c)(1) and (c)(2).
4—Increase and improve community options.	10	(d).
5—Range of services	20	(e)(1) and (e)(2).
6—Resource development	20	(f)
Total	100	

(Authority: 29 U.S.C. 796e)

§§ 366.52–59 [Reserved]

10. Part 366 would be amended by adding a new subpart G consisting of §§ 366.60 through 366.64 to read as follows: Subpart G—What Requirements Must a Center Meet to Receive Continuation Funding?

Sec.

Subpart G—What requirements Must a Center Meet To Receive Continuation Funding?

§ 366.60 What are the compliance indicators?

(a) The compliance indicators in this subpart measure the performance of an individual center for independent living in essential project areas.

(b) The compliance indicators establish weights, minimum performance levels, and performance ranges in essential project areas to determine whether an individual center complies with the project evaluation standards contained in § 366.50.

(Authority: 29 U.S.C. 796e)

§ 366.61 How is a center's performance measured using the compliance indicators?

(a) Each indicator establishes both a minimum performance level and a performance range.

(b) Points are assigned to different levels of performance within each performance range. The higher a center scores on the performance range, the greater the number of points the center receives for that indicator.

(c) If a center does not achieve the minimum performance level for a compliance indicator, the center receives no points.

(d) The maximum composite score that a center can receive is 100 points.

(e) To be in minimum compliance with the project evaluation standards in § 366.50, a center must achieve a composite score of at least 65 points.

(Authority: 29 U.S.C. 796e)

§ 366.62 What are the requirements for continuation funding?

(a) To be eligible to receive a continuation award for the third or any subsequent year of a grant, a center must—

(1) Comply fully with the provisions of its approved application;

(2) Achieve a minimum composite score of 65 points on the program compliance indicators in § 366.63;

(3) Meet the requirements in this part; and

(4) Meet the requirements of the Act.

(b) If a single grant application requests funding for more than one center, each individual center to be funded under the grant must meet the requirements of paragraph (a) of this section.

(Authority: 29 U.S.C. 711 and 796e)

§ 366.63 What are the weights, minimum performance levels, and performance ranges for each compliance indicator?

(a) *Number of activities engaged in by the center and designed to promote the independent living philosophy.* (5–10 points).

(1) The center shall provide evidence that it has engaged in a minimum of three of the following activities designed to promote the independent living philosophy described in § 366.50(a):

(i) The center provides an opportunity for the consumer to set his or her individual goals with only the minimum assistance necessary from center staff.

(ii) The center provides an opportunity for individuals with severe disabilities who receive services to evaluate the quality and appropriateness of the center's program.

(iii) The center conducts a needs assessment of the community to assist in the development of service delivery plans.

(iv) The center produces written materials for individuals who are visually impaired (e.g., braille, large print, and tape).

(v) The center's public relations materials stress equal access to society and to all services, programs, activities, resources, and facilities, whether public or private, for all individuals with severe disabilities.

(vi) The center is fully physically and communicationally accessible to persons with hearing, mobility, and visual disabilities (e.g., the center has telecommunication devices for the deaf (TDDs), braille writing equipment, picture boards, staff who are able to write and read braille, and staff who are fluent in sign language).

(2) The performance ranges and points based upon the number of activities engaged in by the center and designed to promote the independent living philosophy met by the center are as follows:

(i) 3 activities=5 points

(ii) 4–5 activities=7 points

(iii) 6 activities=10 points

(b) *Number of primary severe disability categories represented by at least 10 percent of all individuals with severe disabilities served.* (4–20 points) The center shall provide evidence that it provided services to individuals whose primary severe disabilities include severe disabilities from at least 3 of the 8 categories listed in § 366.20(h), and each of those 3 categories must include no less than 10 percent of the total number of individuals served by the center. In determining these minimum percentages, a center may not count an individual more than once. The performance ranges and points based on the number of primary severe disability categories with at least 10 percent of the

total number of individuals served by the center in each category as follows:

(1) 3 categories served=4 points
(2) 4 categories served=7 points
(3) 5 categories served=10 points
(4) 6 categories served=13 points
(5) 7 categories served=16 points
(6) 8 categories served=20 points

(c) (1) *Percentage of individuals with severe handicaps for whom an independent living plan was developed.* (2–10 points) The center shall provide evidence that center staff assisted a minimum of 30 percent of the individuals with severe handicaps served during the project year in developing, reviewing, or amending independent living plans (ILPs) with at least one major goal identified jointly by center staff and the individual with severe handicaps. All individuals served during the project year are to be considered for compliance with this indicator. The performance ranges and points based on the percent of all current individuals with ILPs developed with assistance by the center are as follows:

(i) 30 percent to 39 percent with new, reviewed, or amended ILPs=2 points
(ii) 40 percent to 49 percent with new, reviewed, or amended ILPs=4 points
(iii) 50 percent to 59 percent with new, reviewed, or amended ILPs=6 points
(iv) 60 percent to 69 percent with new, reviewed, or amended ILPs=8 points
(v) 70 percent or more with new, reviewed, or amended ILPs=10 points

(2) *Percentage of individuals with ILPs achieving an independent living goal.* (2–10 points) The center shall provide evidence that a minimum of 50 percent of the individuals who had ILPs developed, reviewed, or amended with assistance from the center during the project year achieved at least one major goal identified jointly by center staff and the individual with severe handicaps. Achievement of a major life goal would be jointly agreed to by center staff and the individual with severe handicaps. The performance ranges and the points based on the percent of all individuals with ILPs developed, reviewed, or amended with assistance from the center who achieved at least one major goal are as follows:

(i) 50 percent achieved 1 or more major goals=2 points
(ii) 60 percent achieved 1 or more major goals=4 points
(iii) 70 percent achieved 1 or more major goals=6 points
(iv) 80 percent achieved 1 or more major goals=8 points
(v) 90 percent achieved 1 or more major goals=10 points

(d) *Evidence that the center increased and improved community options for independent living.* (2–10 points)

(1) The center shall provide evidence that it worked to increase and improve community options for independent living during the project year through activities such as, but not limited to—

(i) Community advocacy;
(ii) Technical assistance;
(iii) Public information and education;
(iv) Outreach to consumers and service providers; and
(v) Collaboration with other agencies and organizations that could assist in improving community options for independent living as identified in § 366.50(c).

(2) The performance ranges and points based on the number of activities undertaken to improve the quality of community options for independent living are as follows:

(i) 2 activities=2 points
(ii) 3 activities=4 points
(iii) 4 activities=6 points
(iv) 5 activities=8 points
(v) 6 or more activities=10 points

(e) (1) *The center provided a range of services to individuals with severe handicaps.* (4–20 points) The center shall provide evidence that it provided a minimum of six of the different types of services identified in § 366.50(e) to individuals with severe handicaps. The performance ranges and points based on the number of services provided by the center are as follows:

(i) 6 different types of services=2 points
(ii) 8 different types of services=4 points
(iii) 10 different types of services=6 points
(iv) 12 different types of services=8 points
(v) 14 or more different types of services=10 points

(2) *Percentage of individuals who received a range of services.* (2–10 points) The center shall provide evidence that a minimum of 20 percent of all individuals served by the center each received at least 2 different types of services. The performance ranges and points based on the percent of all individuals who received at least two different services are as follows:

(i) 20 percent to 29 percent=2 points
(ii) 30 percent to 39 percent=4 points
(iii) 40 percent to 49 percent=6 points
(iv) 50 percent to 59 percent=8 points
(v) 60 percent or more=10 points

(f) *The center obtained funding to conduct independent living services from sources other than Title VII for the continuation and growth of center activities.* (4–20 points) The center shall provide evidence that it obtained funding to conduct independent living services from sources other than Title VII of the Rehabilitation Act, as amended, that is equal to at least 10 percent of all funds it received under Title VII during the project year. The performance ranges and points based on the percentage that non-Title VII funds represent of all funds the center received under Title VII during the project year are as follows:

(1) 10 percent to 19 percent=4 points
(2) 20 percent to 29 percent=8 points
(3) 30 percent to 39 percent=12 points
(4) 40 percent or more=16 points
(5) 50 percent or more=20 points

(Authority: 29 U.S.C. 796e)

§ 366.64 Summary chart of minimum performance levels and corresponding points.

A summary of the minimum performance levels and corresponding points to be awarded for each compliance indicator is shown on the following chart:

PERFORMANCE LEVELS, CORRESPONDING POSSIBLE POINTS AWARDED AND EVALUATION STANDARDS

Compliance indicator	Performance level	Possible points awarded	Evaluation standard
(a) Activities engaged in by the center to promote independent living philosophy.	3–6 activities	5–10 points	1—Practice of independent living philosophy.
(b) Primary severe disability categories with at least 10% or more individuals.	3–8 categories	4–20 points	2—Range of disabilities served.
(c)(1) Percentage of individuals with new or amended independent living plans.	30%–70+%	2–10 points	3—Achievement of independent living goals.

PERFORMANCE LEVELS, CORRESPONDING POSSIBLE POINTS AWARDED AND EVALUATION STANDARDS—Continued

Compliance indicator	Performance level	Possible points awarded	Evaluation standard
(c)(2) Percentage of individuals achieving at least one major independent living goal.	50%–90+%	2–10 points	3—Achievement of independent living goals.
(d) Evidence of increase and improvement of community options.	2–6 activities	2–10 points	4—Increase and improve community options.
(e)(1) Range of services	6–14 types of services	2–10 points	5—Range of services.
(e)(2) Percentage of individuals	20%–60+%	2–10 points	5—Range of services.
(f) Percent of Title VII funding	10%–40+%	5–20 points	6—Resource development.

Maximum composite score is 100 points.
Minimum passing composite score is 65 points.

(Authority: 29 U.S.C. 796e)

Note: The following Appendix will not be codified in the Code of Federal Regulations.

APPENDIX—COMPARISON OF STANDARDS AND PROPOSED STANDARDS

Standards	Proposed standards	Discussion of changes
Philosophy		
Standard 1: The center shall promote and practice the following independent living philosophy:	Proposed Standard 1: *Practice of independent living philosophy.* The center shall promote and practice the independent living philosophy:	Proposed Standard 1: Various elements of the standard are included in the proposed standards. Element 1.6 is now contained in proposed standard 5; element 1.7 is now contained in proposed standard 4; element 1.8 is now contained in proposed standard 2.
1.1 Consumer control of policy direction and management of the independent living center;	1.1 Consumer control of the center for independent living; this means that qualified individuals with severe disabilities are substantially involved in the decision-making, service delivery, management and establishment of the policy and direction of the center;	
1.2 Consumer control of the development of own Independent Living service objectives and services;	1.2 Self-help and self advocacy; and	
1.3 Self-help and self-advocacy;		
1.4 Equal access to society by individuals with disabilities;	1.3 Equal access by individuals with severe disabilities to society and to all services, programs, activities, resources and facilities, whether private or public, regardless of the funding source (e.g. Federal, State, local, or private).	
1.5 Equal access to programs and physical facilities;		
1.6 Development of peer relationships and peer role models;		
1.7 Meeting the specific independent living needs of the local community; and		
1.8 A range of services to all people with disabilities.		
Target Population		
Standard 2: The center shall have a clearly defined target population that includes a range of disabilities.	Proposed Standard 2: *Range of disabilities served.* The center shall provide services to individuals with a range of severe disabilities.	Proposed Standard 2: The proposed standard includes the clarification that the center must serve all individuals with disabilities (e.g., cross-disability).
Outcomes and Impacts		
Standard 3: The center shall increase individual consumer achievement of independent living goals, in areas such as, but not limited to, the following:	Proposed Standard 3: *Achievement of individual independent living goals.* The center shall increase the development and achievement of independent living goals by individuals with severe disabilities in areas such as, but not limited to, the following:	Proposed Standard 3: The requirement that the center increase the development of independent living goals has been added.
3.1 Housing;	3.1 Assistive devices;	
3.2 Living arrangements;	3.2 Communication skills;	
3.3 Income and financial management;	3.3 Community involvement;	
3.4 Transportation;	3.4 Consumer and legal rights;	
3.5 Personal care;	3.5 Education;	
3.6 Nutrition;	3.6 Employment;	
3.7 Household management;	3.7 Family life;	
3.8 Mobility;	3.8 Health and health care;	
3.9 Health and health care;	3.9 Housing services;	
3.10 Assistive devices;	3.10 Household management;	
3.11 Education;	3.11 Income planning and financial management;	
3.12 Employment;	3.12 Living arrangements;	
3.13 Community involvement;	3.13 Mobility;	
3.14 Family life;	3.14 Nutrition;	
3.15 Recreation;	3.15 Personal care services, training and management;	

APPENDIX—COMPARISON OF STANDARDS AND PROPOSED STANDARDS—Continued

Standards	Proposed standards	Discussion of changes
3.16 Personal growth; 3.17 Social skills; 3.18 Communication skills; 3.19 Self-direction; and 3.20 Consumer and legal rights.	3.16 Personal growth and self-direction; 3.17 Recreation; 3.18 Reducation of barriers (architectural and social); and 3.19 Transportation services.	
Standard 4: The center shall increase the availability and improve the quality of community options for independent living, in such areas as, but not limited to, the following: 4.1 Housing; 4.2 Transportation; 4.3 Personal care; 4.4 Education; 4.5 Employment; 4.6 Communication; 4.7 Reduction of barriers, including architectural and social; 4.8 Disability awareness and social acceptance; 4.9 Recreation; 4.10 Consumer involvement in civic activities and community affairs; 4.11 Physical and mental health care; and 4.12 Legal services.	Proposed Standard 4: *Increase and improve community options for independent living.* The center shall work to increase the availability and improve the quality of community options for independent living in order to facilitate the development and achievement of independent living goals by individuals with severe disabilities by initiating and carrying out: (1) Community advocacy; (2) Technical assistance; (3) Public information and education; (4) Outreach to consumers and service providers; and (5) Collaboration with other agencies and organizations that could assist in improving community options for independent living. These five types of initiatives can be applied to the independent living goal areas in Standard 3.	Proposed Standard 4: This proposed standard merges standards 4 and 7 and uses the service areas for proposed standard 3 as examples of areas in which a center is to increase the availability and improve the quality of community options for independent living. The greater the community options for independent living, the more likely the successful achievement of independent living goals.
Services		
Standard 5: The center shall provide to disabled individuals within the center's target population and their families, or both, the following independent living services:	Proposed Standard 5: *Range of services.* The center shall provide a range of services to individuals with severe disabilities. The services a center may provide include, but are not limited to:	Proposed Standard 5: This proposed standard is significantly different from the standard. Title VII, Part B of the Act does not set out services that are mandatory for centers, and therefore, the standard was deemed without statutory authority. Although peer counseling, advocacy, and independent living are considered core services by the independent living movement, they must be part of the combination of services provided by the center pursuant to section 711(c)(2) of the Act.
5.1 Advocacy; 5.2 Independent living skills training (e.g., health care, financial management, etc.); 5.3 Peer counseling; In addition to the services above, the center may provide or make available other services such as, but not limited to, the following: 5.4 Legal services; 5.5 Other counseling services (e.g., non-peer, group, family); 5.6 Housing services; 5.7 Equipment services; 5.8 Transportation services; 5.9 Social and recreational services; 5.10 Educational services; 5.11 Vocational services, including supported employment; 5.12 Reader, interpreter, and other communication services; 5.13 Attendant and homemaking services; and 5.14 Electronic services.	5.1 Individual advocacy; 5.2 Barrier reduction services; 5.3 Equipment and electronic services; 5.4 Health maintenance services; 5.5 Housing services; 5.6 Income planning and financial management services; 5.7 Independent living skills training; 5.8 Legal services; 5.9 Mobility training and orientation services; 5.10 Other counseling (e.g., non-peer, group, family and professional); 5.11 Peer counseling; 5.12 Personal care training, management, and services; 5.13 Pre-vocational services; 5.14 Reader interpreter and other communication services; 5.15 Recreational services; 5.16 Rehabilitation engineering services; 5.17 Social services, and 5.18 Transportation services	
Standard 6: The center shall provide information and referral to all inquires, including those from outside the center's target population	Proposed Standard 6: *Resource Development.* The center shall conduct resource development activities to obtain funding from sources other than Title VII of the Rehabilitation Act of 1973, as amended. Other sources may include, but should not be limited to: (1) Fee-for-service agreements; (2) Private or public endowment funds; (3) Corporate donations and development; (4) State or local funding; and (5) Private or public grants.	Standard 6: The Standard will become an assurance and will be an application requirement for all applicants for Title VII, Part B funding. Proposed Standard 6: Proposed standard 6 captures the intent of draft standard 11, element 11.4 (resource development activities, e.g., fund raising, grant development, endowment funds, permanent government funding). This proposed standard will provide motivation for centers to expand their funding sources and provide opportunities for federal funding of additional centers.

APPENDIX—COMPARISON OF STANDARDS AND PROPOSED STANDARDS—Continued

Standards	Proposed standards	Discussion of changes
Standard 7: The center shall conduct activities to increase community capacity to meet the needs of individuals with disabilities, such as, but not limited to, the following: 7.1 Advocacy and technical assistance services to improve community options, remove community barriers and create access to public programs; 7.2 Public information and education (e.g., presentations, press); 7.3 Outreach to consumers and service providers; and 7.4 Initiatives to establish an active role in the disabled community.		Standard 7: The standard is now included in propopsed standard 4. Element 7.4 (Initiatives to establish an active role in the disabled community) was deleted because its meaning was unclear.
Organizational Management and Administration		
Standard 8: Qualified disabled individuals shall be substantially involved in the policy direction, decisionmaking, service delivery, and management of the center, and given preference as: 8.1 Members of Boards of Directors (at least 51% qualified disabled persons); 8.2 Managers and Supervisors; and 8.3 Staff.		Standard 8: The essential elements of the standard will be amendments to the regulations as assurances which are conditions that must be satisfied to receive Title VII, Part B funding for a center for independent living. Standard 8, Element 8.1: The intent of this element, requiring 51% of the Board of Directors to be qualified individuals with severe disabilities, has been an assurance since 1987. Standard 8, Elements 8.2 and 8.3: These elements of the standard will become assurances that the center has an affirmative action plan to employ and advance in employment, qualified individuals with severe disabilities in both management and staff positions.
Standard 9: The center shall establish clear priorities through annual and three-year program and financial planning objectives that include, but are not limited to, the following: 9.1 Overall center goals or mission; 9.2 Work plan for achieving goals; 9.3 Specific objectives for numbers and disabilities of individuals to be served; 9.4 Service priorities and needs to be addressed; 9.5 Types of services to be provided and service delivery procedures; and 9.6 Annual, three-year, and alternative budget projections.		Standard 9: Elements 9.1–9.5: will be amendments to the regulations as selection criteria for all applicants to receive an award. Elements 9.6 is a requirement of the Education Department General Administrative Regulations (EDGAR), applicable to all discretionary grant recipients.
Standard 10: The center shall use sound organizational and personnel assignment practices: 10.1 Written policies and procedures for Board and Staff which specify appropriate roles and responsibilities; 10.2 Job descriptions for all personnel, including volunteers; 10.3 Clear lines of authority and supervision; 10.4 Personnel performance appraisal and guidance; 10.5 Equal opportunity and affirmative action policies and procedures; and 10.6 Staff and Board training and development.		Standard 10: The elements of the standards will become selection criteria for all applications to receive an award and will become part of the regulations for this program.
Standard 11: The center shall practice sound fiscal management, including: 11.1 An annual budget that identifies funding sources, and the allocation of resources across services and activities; 11.2 A budget monitoring system and procedures for managing cash flow; 11.3 An annual audit by independent public accountant; 11.4 Resource development activities (e.g., fund raising, grant development, securing fee-for-service agreements, business development, endowment funds, permanent government funding) appropriate to achievement of objectives; and 11.5 Determination of costs of services and activities (total program cost, cost by funding source, service component costs, average cost per service and per individual served).		Standard 11: With the exception of element 11.4, the elements of the standard will become selection criteria for all applicants to receive an award and will become an amendment to the regulations for the Centers for Independent Living program. As indicated earlier, element 11.4 has been included in proposed standard 6.

APPENDIX—COMPARISON OF STANDARDS AND PROPOSED STANDARDS—Continued

Standards	Proposed standards	Discussion of changes
Evaluation		
Standard 12: The grantee and the centers shall conduct annual self-evaluations and shall maintain records adequate to measure performance on these Independent Living Center Evaluation Standards, including: 12.1 Documentation of the number and types of individuals served (age, disability or relationships to disabled individual, gender, living arrangement, ethnicity, services received); 12.2 Documentation of the types and units of services provided to individuals and the community; 12.3 Documentation of individual outcomes; 12.4 Documentation of community independent living impacts; 12.5 Client intake, service planning, and progress reports; 12.6 Management records, including financial, legal administrative personnel, and interagency agreements; and 12.7 Consumer evaluation of quality and appropriateness of the center program.		Standard 12: The elements of the standard are identical to the requirements of the center's evaluation plan required by section 711(c)(3) of the Act, also known as A-K reports.

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Friday
July 10, 1992

Part X

Department of Transportation

Federal Transit Administration

49 CFR Ch. VI

Policy Statements on Local Share Issues; Rule

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Chapter VI

Policy Statements on Local Share Issues

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of policy statements.

SUMMARY: The Federal Transit Administration (FTA) announces two new policy statements, both involving advancement of the Federal matching share and postponement of the local share to be provided in connection with FTA grants. The first policy implements a provision of the Fiscal Year 1992 Dire Emergency Supplemental Appropriations Act (Pub. L. 102–301) and permits a temporary waiver during fiscal years 1992 and 1993 of local-share requirements under the FTA's section 9 formula grant program. The second policy, announced by DOT Secretary Card on June 23, 1992, applies to most FTA grants or contracts, and permits the Federal share in connection with those projects to be advanced before local share funds must be made available. Each of these policy statements is separately described in this Notice.

DATES: For specific application dates, see the "APPLICABILITY" section of each policy statement.

FOR FURTHER INFORMATION CONTACT: Douglas A. Kerr, Office of Grants Management (TGM–12), 202–366–2440.

SUPPLEMENTARY INFORMATION:

I. Policy on Section 9 Temporary Matching Fund Waiver

A. Background

On December 18, 1991, President Bush signed into law the Intermodal Surface Transportation Efficiency Act (ISTEA) (Pub. L. 102–240), which authorized Federal transportation infrastructure funding over six years. Section 1054 of the ISTEA allows a grant recipient to request as a Federal share up to 100 percent of the cost of a construction project funded under programs of the Federal Highway Administration and to repay the Government at a specified later date, the amount of the project's local share. To make the transit program more closely parallel the highway program, Congress in the Fiscal Year 1992 Dire Emergency Supplemental Appropriations Act (Public Law 102–302), enacted June 22, 1992, extended the provision of Section 1054 of the ISTEA to the section 9 formula capital grant program administered by FTA.

B. Purpose

The purpose of this portion of the Notice is to provide implementing guidance on the Fiscal Year 1992 Dire Emergency Supplemental Appropriations Act, which provides in pertinent part as follows:

> For fiscal years 1992 and 1993, funds provided under section 9 of the Federal Transit Act shall be exempt from requirements for any non-Federal share, in the same manner as specified in section 1054 of Public Law 102–240.

The Federal Highway Administration (FHWA) has issued temporary guidance on its procedures for implementing 1054, which was published in the **Federal Register** on April 23, 1992 (57 FR 14885). Further, FHWA is preparing a regulation to implement the provision, as required by section 1054(d). FTA similarly will be issuing a regulation as required by section 1054(d). The FTA initial implementing guidance presented in the **Federal Register** today closely parallels that of the FHWA. The basic procedures described here vary little from the regular procedures for requesting Federal participation in a section 9 transit project.

C. Applicability

This policy applies to capital assistance grants obligated under FTA's section 9 program after September 30, 1991, and before October 1, 1993. For purposes of this policy, the word "project" means a single project or a program of projects occurring in one grant award.

D. Policy

A grantee may, in connection with fiscal year 1992 or 1993 section 9 apportionments, request an increased Federal share up to 100 percent on section 9 capital projects when the grantee certifies that sufficient funds are not available to pay the non-Federal share of the project.

The grantee may request the increased share through September 30, 1993. The amount of the increased share actually obligated by the FTA must be repaid by March 30, 1994.

If the amount owed is not repaid, in the case of projects originating under section 9, deductions will be made to the urbanized area's section 9 fiscal year 1995 and fiscal year 1996 apportionments. The amount to be deducted in each fiscal year will be equal to 50 percent of the amount needed for repayment.

The amounts deducted will become available for reapportionment to all other urbanized areas under the section 9 program that have not received a higher Federal share and to those urbanized areas that have made the repayment required.

In the case of projects for which financing originated under Title I of the ISTEA (for example, the Surface Transportation Program or the Congestion Mitigation and Air Quality Improvement Program), deductions will be made to the State's fiscal year 1995 and 1996 apportionments in accordance with procedures of the Federal Highway Administration (FHWA).

The amount by which the FTA will increase the Federal funds in a project will be limited by the total amount of an appropriation that is apportioned to the urbanized area.

To request an increased Federal share, the grantee must:

(a) Submit a request with the grant application to the appropriate FTA Regional Office.

(b) Certify that sufficient funds are not available to pay the cost of the non-Federal share of the project. The certification may apply to one project or a group of projects.

(c) Show that the project is part of a Transportation Improvement Program endorsed by the Metropolitan Planning Organization, and include specific endorsement by the Metropolitan Planning Organization for the request for increased Federal share.

(d) Specify the Federal participating ratio, the amount of regular Federal funds requested, and the amount of increased Federal share desired.

(e) The grantee may draw down the increased Federal share as part of its normal billing procedures.

II. Policy on Deferred Local Share

A. Purpose

This portion of the Notice announces a revision in the Federal Transit Administration's (FTA) policy on simultaneous expenditure of FTA assistance funds and local share funds. Specifically, the FTA policy requiring the local share be paid pro-rata with any drawdown of the Federal share of project costs is revised. To date, the FTA had required that a grant recipient provide the local share of funds to meet project expenses at the same time any Federal funds were provided. The new policy, however, allows the recipient, with prior written approval on a case-by-case basis, to draw down 100 percent of the Federal funds needed to pay all of the first 80 percent of project costs of section 3, 8, 9, 16, 18, and 26 capital, planning, and research projects. The funds drawn down, however, will continue to be limited to the amount

necessary to meet immediate cash disbursement or reimbursement needs. The new policy will make it possible to provide more Federal money, put it to work faster, create more jobs, and improve transit in our cities.

B. Applicability

The new policy applies to capital, planning, and research grants and cooperative agreements, or amendments thereto, to carry out the purposes of sections 3, 8, 9, 16, 18, and 26 of the Federal Transit Act, as amended. This policy applies to all grants and cooperative agreements involving funds not yet expended by the grantee, provided prior FTA written approval is obtained.

C. Policy

The FTA is establishing a new policy which allows the recipient to draw down 100 percent of the Federal funds needed to pay all of the first 80 percent of project costs of sections 3, 8, 9, 16, 18, and 26 capital, planning, and research projects.

The recipient must request FTA approval to obtain 100 percent advance financing for transit projects, by sending a written request for financing to the appropriate FTA Regional Office. The request must include information demonstrating that the recipient possesses the financial capacity to complete the project and that the application of the new policy will generate transit benefits.

On the basis of the information provided, the FTA will determine whether the recipient may draw down and expend the entire Federal portion of its FTA funds before it spends any of its local share.

This policy does not rescind any current requirements associated with FTA's various grant programs. The requirement to have a non-Federal matching share is not waived, it is merely being postponded.

D. Enforcement

The Federal Transit Act, as amended, (the Act) (49 U.S.C. app. 1601 *et seq.*), provides remedies when localities fail to provide the local share. Section 9(g)(3) of the Act permits FTA to adjust the amount of annual grants when audits or triennial reviews reveal that a grantee has failed to comply with its certifications, statutory and regulatory requirements, or reveal that projects are not being carried out in a timely and effective manner. Section 9(h) of the Act permits FTA to terminate and seek reimbursement of grants directly or by offsetting funds available under section 9, if the recipient makes a false statement in connection with a certification. False statements are also a criminal violation under section 1001 of title 18 of the United States Code.

Special conditions will be inserted in the "Terms and Conditions" of any assistance agreement, with the same contractual effect as that under section 9 grants.

Authority: 49 U.S.C. app. 1601 *et. seq.*

Issued on: July 8, 1992.

Brian W. Clymer,

Administrator.

[FR Doc. 92–16322 Filed 7–8–92; 11:48 am]

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Part XI

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Proposed Frameworks for Early-Season Migratory Bird Hunting Regulations; Proposed Rule

Annual Waterfowl Status Meeting and Fish and Wildlife Service Migratory Bird Regulations Committee Meetings; Notice

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AA24

Migratory Bird Hunting; Proposed Frameworks for Early-Season Migratory Bird Hunting Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; Supplemental.

SUMMARY: The Fish and Wildlife Service (hereinafter the Service) is proposing to establish the 1992–93 early-season hunting regulations for certain migratory game birds. The Service annually prescribes frameworks, or outer limits, for dates and times when hunting may occur and the number of birds that may be taken and possessed in early seasons. These frameworks are necessary to allow State selections of final seasons and limits and to allow recreational harvest at levels compatible with population status and habitat conditions.

DATES: The comment period for proposed early-season frameworks will end on July 20, 1992; and for late-season proposals on August 30, 1992. A public hearing on late-season regulations will be held on August 6, 1992, starting at 9 a.m.

ADDRESSES: The August 6 public hearing will be held in the Auditorium of the Department of the Interior Building, 1849 C Street, NW., Washington, DC. Written comments on the proposals and notice of intention to participate in this hearing should be sent in writing to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, room 634—Arlington Square, Washington, DC 20240. Comments received will be available for public inspection during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Thomas J. Dwyer, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, room 634—Arlington Square, Washington, DC 20240, (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 1992

On May 8, 1992, the Service published for public comment in the **Federal Register** (57 FR 19865) a proposal to amend 50 CFR part 20, with comment periods ending as noted earlier. On June 19, 1992, the Service published for public comment a second document (57 FR 27672) which provided supplemental proposals for early- and late-season migratory bird hunting regulations frameworks.

On June 25, 1992, a public hearing was held in Washington, DC, as announced in the May 8 and June 19 **Federal Registers** to review the status of migratory shore and upland game birds. Proposed hunting regulations were discussed for these species and for other early seasons.

This document is the third in a series of proposed, supplemental, and final rulemaking documents for migratory bird hunting regulations and deals specifically with proposed frameworks for early-season regulations. It will lead to final frameworks from which States may select season dates, shooting hours, and daily bag and possession limits for the 1992–93 season. All pertinent comments received through June 25, 1992, have been considered in developing this document. In addition, new proposals for certain early-season regulations are provided for public comment. Comment periods are specified above under **DATES**. Final regulatory frameworks for migratory game bird hunting seasons for early seasons are scheduled for publication in the **Federal Register** on or about August 17, 1992.

This supplemental proposed rulemaking consolidates further changes in the original framework proposals published in the May 8 **Federal Register**. The regulations for early waterfowl hunting seasons proposed in this document are based on the most current information available about the status of waterfowl populations and habitat conditions on the breeding grounds.

Presentations at Public Hearing

Service employees presented reports on the status of various migratory bird species for which early hunting seasons are being proposed. These reports are briefly reviewed as a matter of public information.

Mr. Ashley Straw, Woodcock Specialist, reported on the 1992 status of American woodcock. The report included harvest information gathered since 1963 and breeding population information (Singing-ground Survey) collected since 1968. The two surveys are run cooperatively by the U.S. Fish and Wildlife Service, Canadian Wildlife Service, and 39 State and Provincial wildlife agencies. Information from harvested woodcock indicated that the 1991 recruitment index (ratio of immatures to adult females) was near the long-term average for the Eastern Region and slightly lower than the long-term average for the Central Region. In the U. S. portion of the Eastern Region, the 1991 recruitment index was 1.8 immatures per adult female (5.9 percent above the 1963–91 average). The 1991 recruitment index for the Central Region was 1.6 (11.1 percent below the 1963–91 average). Between 1990 and 1991, the only change in Federal frameworks for woodcock hunting regulations was a shift in the closing date from February 28 to January 31 in the Central Region. As a result of this change, the framework closing dates of the Eastern and Central Regions were concurrent. Indices of hunting success (average daily and seasonal bags) continued to decline in the Eastern Region but did not change in the Central Region. Daily hunting success in the Eastern Region declined from 1.9 in 1990 to 1.7 woodcock bagged per day in 1991 (10.5 percent), while the seasonal success index declined from 8.2 to 7.3 woodcock bagged per season (11.0 percent). In the Central Region the daily success index remained at 2.3 birds per day in 1990 and 1991, while the seasonal success index remained at 11.6 woodcock bagged per season. Analysis of Singing-ground Survey data using route-regression methodologies indicated a significant decrease in the breeding population of 16.1 percent between 1991 and 1992 and a significant long-term (1968–92) decline of 1.9 percent per year in the Eastern Region. Route-regression results for the Central Region breeding population showed a significant decrease between 1991 and 1992 of 16.8 percent and a non-significant long-term decline of 0.8 percent per year. Comparison of recent (1985–92) versus historical (1968–84) trends the Singing-ground Survey suggested that the rate of decline between these periods was different for the Eastern Region. Slopes of the breeding indices in recent years (1985–1992) were not significantly different from zero for either region. This suggests that woodcock populations may be stabilizing in both regions. However, this is not true for individual States within the survey area. During the past 8 years, breeding population indices of woodcock declined significantly in Connecticut, Maine, Massachusetts, New Jersey, and Wisconsin. Conversely, the index for Indiana increased significantly over this time period.

Mr. David Dolton, Mourning Dove Specialist, presented the status of the mourning dove population in 1992. The report included information gathered over the last 27 years. Trends were calculated for the most recent 2 and 10-year intervals and for the entire 27-year period. Between 1991 and 1992, the

average number of doves heard per route increased significantly in the Eastern Management Unit by 4.6 percent and in the Western Management Unit by 12.9 percent. No significant change occurred in the Central Management Unit. Analyses indicated a significant downward trend in the Western Management Unit for the 27–year period, but no trend over the most recent 10 years. No significant trend was found in the Eastern or Central Management Units for either the 10 or 27–year time frames. Trends for doves seen at the Unit level over the 10 and 27–year periods agreed with trends for doves heard.

Mr. Dolton also presented the status of white-winged and white-tipped doves in Texas. In 1992, whitewing call-count surveys indicated approximately 366,000 birds nesting in the Lower Rio Grande Valley in Hidalgo, Starr, Cameron, and Willacy Counties. This represented an 8 percent increase from 1991, but it is still 18 percent below the long-term average. In Upper South Texas, more than 410,000 whitewings were nesting throughout a 16-county area in 1992. This is a 13 percent decrease from last year. The whitewing population increase in Upper South Texas and Central Texas in recent years may reflect a redistribution of Valley birds. In West Texas, where a relatively small population of whitewings is found, an estimated 28,000 birds were reported in 1992, 32 percent below the 1991 estimate. Estimates of white-tipped doves in the Lower Rio Grande Valley increased 44 percent between 1991 and 1992. An average of 1.1 whitetips were heard per stop in 1992. This is only 16 percent below the 1.3 whitetips per stop recorded in the peak year of 1986.

Mr. Roy Tomlinson, Western Dove and Pigeon Specialist, presented population and harvest information for the band-tailed pigeon. Pigeon populations are managed as two separate and distinct populations: the Coastal Population (Washington, Oregon, Nevada, and California) and the Four-Corners Population (Arizona, Utah, Colorado, and New Mexico). Counts conducted annually at mineral springs in Oregon during late August indicate pigeon populations declined precipitously between 1966 and 1973, generally increased between 1974 and 1984, and then declined between 1984 and 1985, with fairly stable counts at low levels since 1985. Washington's call-count survey, conducted in late June and early July, gave a 1991 index that was 25 percent below both that of 1990 and the 1988–90 average. The Breeding Bird Survey indicates a significant downward trend in the Coastal Population during the past 25 years and harvest data for the Coastal Population indicate a substantial population decline during the same period.

No pigeon population surveys are conducted in any of the States of the Four-Corners Population and only Arizona has maintained annual harvest estimates since the late 1960's. The 1991 harvest in Arizona was 8 percent below that in 1990, and the 1968–91 trend is declining significantly. Harvest in the Four-Corners area is generally light and does not exceed 5,000 birds in all four States annually.

Mr. David Sharp, Central Flyway Representative, reported on the status and harvest of sandhill cranes populations. The Mid-Continent Population appears to have stabilized following dramatic increases in the early 1980's. The preliminary spring estimate for 1992, uncorrected for visibility, was 258,700, which is down from 299,000 recorded last year and 412,490 recorded in 1990. The photo-corrected 3–year average for the 1989–91 period was 391,458, which is within the established population objective range of 350,000 - 450,000. All Central Flyway States, except Kansas and Nebraska, elected to allow crane hunting in portions of their respective States in 1991–92; about 18,147 permits were issued and approximately 5,860 permittees hunted one or more times. Compared to the previous year's seasons, the number of permittees decreased about 20 percent and active hunters decreased 23 percent. An estimated 13,058 cranes were harvested in 1991–92, which reflected a 28 percent decrease from the record high of 18,041 harvested in 1990–91. Mid-continent cranes are also hunted in Alaska, Canada, and Mexico. The estimated retrieved harvest in Canada in 1991 was 5,394. Data for Alaska and Mexico are not available, but the combined harvest is believed to be about 3,000. Rangewide sport harvests are near guidelines established in the Mid-Continent Population Cooperative Management Plan.

Annual appraisals of the Rocky Mountain Population, which stages in the San Luis Valley of Colorado in March, suggest that the population has been relatively stable since 1984. The 1992 index of 20,014 cranes was within established objective levels of 18,000–22,000. Limited special seasons were held during 1991 in portions of Arizona, New Mexico, Utah, and Wyoming, resulting in harvests estimated at 475 cranes. This compares to a harvest estimate of 181 cranes in 1990.

Mr. Brad Bortner, Chief, Population Assessment Section, reported briefly on habitat conditions observed during the May breeding waterfowl survey. Last winter was abnormally dry across the northcentral U.S. and Prairie Canada. Repeated periods of mild temperatures decreased the potential for spring runoff to fill wetland basins.

By early May, severe or extreme drought conditions extended across a broad region, including southern Alberta, western Montana, and much of the western U.S. At the same time, parts of southeastern Saskatchewan, southern Manitoba, Minnesota, Wisconsin, and Michigan were unusually wet. By the end of May, drought conditions had spread over all of Montana, most of the Dakotas, and extreme southern areas of Alberta and Saskatchewan. Extremely wet conditions persisted over an extensive region of northern Alberta and northern Saskatchewan.

In the Northwest Territories and Alaska, northern portions of Alberta, Saskatchewan, and Manitoba, many lakes still had extensive ice-cover in late May. Six to eight inches of snow fell across northern Manitoba during early June. Generally, spring phenology across most of the northern survey areas was delayed by 1 to 2 weeks, and prospects for early waterfowl nesting in most of these northern areas seemed poor. Normal or above-normal levels of precipitation were recorded throughout eastern Canada and northeastern U.S during April. In much of this region, precipitation and temperatures were near normal during May. However, waterfowl nesting chronology was delayed in some areas.

Overall, pond numbers in southern Canada increased 12 percent from last year but still remained 18 percent below the 1961–1991 average. The largest increase occurred in southern Manitoba (+69 percent), while pond numbers decreased 28 percent in southern Alberta and reached record-low numbers in one survey stratum. Conditions in extreme southwestern Saskatchewan were dry, with one survey stratum also having record-low pond numbers. The total pond estimate for the northcentral U.S. increased 17 percent from last year but was 31 percent below the 1974–1991 average. Pond numbers in South Dakota and Montana decreased slightly from last year, while pond numbers increased 85 percent in North Dakota. Preliminary information from Wisconsin indicates above-average pond numbers. In Minnesota, conditions were fair with about average pond numbers; while in California, Nebraska, Wyoming, and

Colorado, conditions were mostly dry and unfavorable.

In the prairie-pothole region, upland nesting conditions were variable, but generally poor. The recent years of drought across much of the region have permitted cultivation or haying of wetland margins and basins. Consequently, regions benefitting from ample precipitation this year, such as southern Manitoba, often had little nesting cover associated with the increase in pond numbers. Nesting cover was generally more abundant in northern parkland areas.

In 1991, the May survey indicated 3.8 million blue-winged teal. This year's preliminary blue-winged teal population estimate is 4.3 million. This represents a 15 percent increase over last year, and approaches the long-term average.

Comments Received at Public Hearing

Three oral statements were presented at the public hearing on proposed early-season regulations. These comments are summarized below.

Mr. Charles Kelley, representing the Southeastern Association of Fish and Wildlife Agencies, supported the regulations proposals for the 1992–1993 hunting seasons and commended the Service for its efforts to present information for public comment. He expressed concern about the baiting regulations and supported efforts to clarify them.

Ms. Susan Haygood, representing the Humane Society of the United States, advocated a closure on the hunting of all waterfowl species. She stated that the proposed opening framework date for Alaska was too early, allowing young birds to be taken, and requested that the opening be delayed by 2 weeks. She further suggested that all seasons for migratory birds should open at noon during midweek to reduce the high harvest associated with Saturday openings, and she opposed special seasons in an effort to further reduce hunter participation. She opposed the liberal limits on sea ducks, but supported the closure on western band-tailed pigeons.

Mr. Wayne Pacelle, representing the Fund for Animals, provided comment on the regulatory process and suggested that the Service attempt to involve the public to a greater extent. He stated his organization opposed the killing of wildlife through sport hunting and expressed the view that the interests of non-hunters were not considered to the same extent as those of hunters. He supported the closure on the Pacific Coast Population of band-tailed pigeons but opposed the season on the Four-Corners Population due to the lack of data. He was distressed over the proposed reopening of the September teal season and requested a closed season on pintails in 1992. He expressed the opinion that the shooting of cranes and swans was unethical and supported the view of the Humane Society of the United States that seasons in Alaska opened too early and were too long.

Written Comments Received

The preliminary proposed rulemaking, which appeared in the May 8 **Federal Register**, opened the public comment period for early-season migratory game bird hunting regulations. As of June 25, 1992, the Service had received 16 comments; 9 of these specifically addressed early-season issues. Due to the delayed publication of the preliminary proposals in 1992, many letters were received during the time of the year when the comment period normally would have been open. The majority of these letters either requested the Service to liberalize framework dates for ducks or that the Service reinstate the September teal season. The Service continues to encourage those people to submit written comments during the comment period. These early-season comments are summarized below and numbered in the order used in the May 8 **Federal Register**. Only the numbered items pertaining to early seasons for which written comments were received are included.

General

Council Recommendations: The Central Flyway Council recommended no changes in frameworks for those regulations not addressed by other Central Flyway Council recommendations.

Written Comments: A local organization from Massachusetts requested that shooting hours remain at one-half hour before sunrise to sunset for all species.

1. Ducks

iii. September Teal Seasons

In the May 8, 1992, **Federal Register** (57 FR 19865), the Service reiterated that implementation criteria were necessary prior to lifting the suspension on the September teal season. In cooperation with the Flyway Councils, the Service has developed interim criteria which will govern September teal seasons until a stabilized-regulations harvest strategy for duck hunting is completed. The Service proposes the following criteria:

1. A September teal season will be permitted annually whenever the breeding population exceeds 3.3 million blue-winged teal.

2. Seasons of up to 9 days in length may be held during September 1–30 in non-production States of the Mississippi and Central Flyways with a daily bag limit not to exceed 4 teal.

3. If breeding populations of blue-winged teal fall below 3.3 million or if band-recovery rates exceed those for which we have experience, a more conservative harvest strategy will be considered. A decision to suspend the special season or to enact restrictions during the regular season will be based on all available information related to population status, harvests, and habitat.

The Service currently believes that a partial season should not be allowed because the difference in harvest rates between a partial and full season would likely be unmeasurable and because it would imply that there is an objective base for such "fine-tuning". With respect to future evaluations, the Service will continue to support efforts to estimate harvests south of the U.S. and will promote blue-winged teal banding as part of the mallard preseason banding program in order to improve the ability to estimate survival rates. Finally, the Service strongly urges the Flyway Councils to document changes in wintering habitat-management practices that may result from reinstatement of the September teal season.

Consistent with the strategy concerning the use of shooting hours, developed by the Service in 1990, shooting hours will begin at sunrise unless States can demonstrate that the impact of presunrise shooting hours on non-target duck species is negligible.

Council Recommendations: The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended interim criteria for reinstatement of the September teal seasons as follows:

"Breeding population indices were viewed as the most appropriate basis for development of interim guidelines for reinstatement of September teal seasons. Final guidelines for September teal seasons should include a range of criteria, including breeding populations, habitat conditions, harvest rates, and development of an approach to evaluate teal harvest south of the United States."

"In the interim (1992), reinstatement of September teal seasons is recommended if the breeding population is sustained at 1991 levels (3.779 +/− 0.245 million). This criterion includes consideration of the precision of population surveys for blue-winged teal. Thus, a breeding population of 3.5 million breeding blue-winged teal would be considered sufficient to recommend reinstatement of the season for 1992. The Service and the Mississippi Flyway Council should jointly develop final implementation

criteria (in conjunction with development of stabilized regulations strategies) by March 1994."

The Central Flyway Council recommended reinstatement of the September teal season when the 3-year running average of the breeding population index equals or exceeds 3 million. The season length and daily bag limits should be the same as used in past years—a 9-day season with a 4-bird daily bag limit. The September teal season should be reviewed if the 3-year running average of the breeding population index falls below 3 million.

Written Comments: Since publication of the preliminary proposals in the May 8 **Federal Register**, the Service has received three written comments regarding the special September teal seasons. Two individuals from Texas requested that the Service reinstate the September teal season. A petition with 1080 signatures was received from a local organization in Louisiana requesting that the Service reinstate the September teal season.

iv. Experimental September Teal/Wood Duck Seasons

Due to the apparent increase in the breeding population of blue-winged teal and the subsequent proposed reinstatement of the September teal seasons in 1992, the Service proposes to modify the former experimental September wood duck seasons to also allow the harvest of teal.

The strategy developed by the Service in 1990 concerning the use of shooting hours stated that for species-specific duck seasons, shooting hours will begin at sunrise unless States can demonstrate that the impact of presunrise shooting hours on non-target duck species is negligible. The three States involved in these September seasons have provided information to the Service to demonstrate the negligible impact of presunrise shooting hours on non-target duck species during seasons for wood ducks only. Florida has also submitted information that demonstrates insignificant impacts on nontarget duck species for seasons directed at both wood duck and teal. However, the Service has no information from Kentucky or Tennessee regarding the effect of presunrise shooting hours on non-target duck species during seasons for both wood duck and teal. With the addition of teal to the bag limit during these September seasons, hunters may hunt in different habitats or behave differently than when only wood ducks were hunted. Therefore, the Service is asking Kentucky and Tennessee to provide additional information. These States will be allowed to continue presunrise shooting hours during their September seasons under the condition that they conduct studies or provide information that demonstrate a negligible impact on non-target duck species during the one-half hour prior to sunrise. The frameworks proposed in this document would allow shooting hours in Florida, Kentucky, and Tennessee to begin at one-half hour before sunrise and extend until sunset.

Council Recommendations: The Atlantic Flyway Council recommended that Florida be allowed to hold a September teal season (in conjunction with their experimental September wood duck season) when and if September teal seasons are restored in the Central and Mississippi Flyways.

The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended that if the full September teal season is reinstated, teal be incorporated into the daily bag limit in Kentucky's and Tennessee's September wood duck season and that the bag limit be 4 birds, including no more than 2 wood ducks. If an abbreviated September teal season is offered, the Committee recommended a daily bag limit of 2 teal or wood ducks, singly or in the aggregate.

3. Sea Ducks

Although the Service does not propose any modifications in the frameworks for sea ducks in this document, concern continues for the perceived increase in harvest pressure on these species. Additional data are needed to assist management efforts for these species and a management plan is needed to guide future management efforts. The Service asks that the Flyway Councils address these concerns prior to the regulations cycle for the 1993–94 seasons.

Written Comments: A local organization from Massachusetts requested continuation of the special sea duck season in the Atlantic Flyway with no change in frameworks.

4. Canada Geese

A. Special Seasons

The Service is concerned about the protection of nontarget Canada goose populations during special seasons, and continues to believe that most Canada goose harvest-management objectives can be addressed through the regular Canada goose hunting-season frameworks in accordance with flyway management plans. However, the Service recognizes the need for special seasons in certain circumstances to control local breeding and/or nuisance populations of Canada geese. As indicated in the June 19, 1992, **Federal Register** (57 FR 27672), the Service has become aware of the need to modify the special-season criteria previously published in the September 26, 1991, **Federal Register** (56 FR 49104). The proposed modified criteria are:

Criteria for Special Canada Goose Seasons

1. States may hold special Canada goose seasons, in addition to their regular seasons, for the purpose of controlling local breeding populations or nuisance geese. These seasons are to be directed only at Canada goose populations that nest primarily in the conterminous United States and must target a specific population of Canada geese. The harvest of nontarget Canada geese must not exceed 10 percent of the special-season harvest during early seasons or 20 percent during late seasons. More restrictive proportions may apply in instances where a nontarget Canada goose population of special concern is involved.

2. Early seasons must be held prior to the regular season. In the Atlantic and Mississippi Flyways, where seasons are focused primarily on local breeding populations of giant Canada geese, seasons may not exceed 10 consecutive days and will generally be held between September 1 and September 10. In the Central and Pacific Flyways, seasons may not exceed 30 consecutive days, generally between September 1 and September 30, and must be directed at local breeding populations or nuisance situations that cannot be addressed through the regular-season frameworks.

3. Late seasons must be held after the regular season and prior to February 15.

4. The daily bag and possession limits may be no more than 5 and 10 Canada geese, respectively.

5. The area(s) open to hunting will be described in State regulations.

6. All seasons will be conducted under a specific Memorandum of Agreement. Provisions for discontinuing, extending, or modifying the season will be included in the Agreement.

7. Initially, all seasons will be considered experimental. The evaluation required of the State will be incorporated into the Memorandum of

following:

A. Conduct neck-collar observations (where appropriate) and population surveys beginning at least 1 year prior to the requested season and continuing during the experiment. For early seasons to be held after September 10, data-gathering must begin at least 2 years prior to the requested season.

B. Determine derivation of neck-collar codes and/or leg-band recoveries from observations and harvested geese.

C. Collect morphological information from harvested geese, where appropriate, to ascertain probable source population(s) of the harvest.

D. Analyze relevant band-recovery data.

E. Estimate hunter activity and harvest.

F. Prepare annual and final reports of the experiment.

8. If the results of the evaluation warrant continuation of the season beyond the experimental period, the State will continue to estimate hunter activity and harvest and report these to the Service annually for all years the season is offered.

9. The season will be subject to periodic re-evaluations when circumstances or special situations warrant.

For early seasons held after September 10, the Service emphasizes that data gathered prior to and during the experiment must strongly indicate that the season will successfully meet all established criteria for special early Canada goose seasons.

Council Recommendations: The Atlantic Flyway Council recommended that new experimental seasons for resident Canada geese be initiated in 1992 in Erie, Cattaraugus, and Chautaugua Counties of New York and Bucks, Lehigh, Montgomery, Crawford, Erie, Butler, and Mercer Counties of Pennsylvania.

The Lower-Region Regulations Committee of the Mississippi Flyway Council recommended that the Service closely monitor existing regular and special seasons for impacts on the Southern James Bay Population of Canada geese. They further recommend that the Service fully analyze data from existing seasons before expanding seasons that might cause cumulative harvest on this population of geese. They emphasized that special seasons should adhere to the criteria established by the Service.

The Upper-Region Regulations Committee of the Mississippi Flyway Council recommended that the Service approve operational status of the seasons in the Upper-Peninsula and Northern-Lower-Peninsula portions of Michigan which were part of the original 1986–89 experimental season and that the Service approve a 3-year expanded experiment in the eastern Upper Peninsula.

The Committee further recommended that the experimental seasons in the Fergus Falls/Alexandria and Southwest Border goose zones in Minnesota be extended pending completion of the final report. Preliminary final reports indicate that these seasons meet the criteria outlined in the Memorandum of Agreement between Minnesota and the Service; however, Minnesota is unable to complete the final report until 1991 band-recovery and parts-collection-survey data are obtained. The final reports will be completed prior to the March 1993 Council Meeting.

The Committee also recommended that the Service establish a 3-year experimental special season in Boone, Callaway, Cole, and Howard Counties of central Missouri. They recommended that the season be 9-15 days long and be held prior to October 15. The daily bag limit would be 3 geese. All geese harvested would be checked at mandatory check stations and a special permit would be required for hunters to participate.

The Pacific Flyway Council recommended no change for the Oregon-Washington season except that the hunt area in Oregon be enlarged to include Youngs Bay, its tributaries south and east of the city of Astoria, and adjacent agricultural lands. Also, the Council recommended no change for September Canada goose hunting seasons in Utah and Wyoming.

Written Comments: The New York State Department of Environmental Conservation requested initiation of a special season in Erie, Cattaraugus, and Chautauqua Counties.

The Michigan Department of Natural Resources supported the recommendation by the Upper-Region Regulations Committee of the Mississippi Flyway Council. Michigan indicated that they meet or are very close to the criteria established by the Service for the proportion of migrants in the harvest. They further indicated that they intend to obtain larger sample sizes and intensively monitor the harvest for all special goose seasons.

The Oregon Department of Fish and Wildlife supported the expansion of the experimental September Canada goose season along the lower Columbia River to include Youngs Bay and adjacent upland areas.

A local organization from Massachusetts requested continuation of the special seasons in that State.

9. Sandhill Cranes

Council Recommendations: The Central Flyway Council recommended no changes in the Mid-continent sandhill crane hunting frameworks. The management plan currently is being revised. The Council believes that frameworks should not be modified prior to the revision and that future frameworks should abide by the revised management plan.

The Central and Pacific Flyway Councils recommended that an experimental season be initiated in Montana for the Rocky Mountain Population of sandhill cranes. All hunts would follow guidelines as outlined in the revised "Pacific and Central Flyway Management Plan for Rocky Mountain Greater Sandhill Cranes."

15. Band-tailed Pigeons

In the July 15, 1991, **Federal Register** (56 FR 32264), the Service stated that it continued to be concerned about the decline of the Coastal Population of band-tailed pigeons and encouraged cooperative investigations into factors causing the decline. Available data indicate that either the population decline is continuing or the population is stable at a low level, and therefore the Service concern has strengthened. Although hunting appears not to be the cause of this population decline, the Service believes it prudent at this time to take every possible action that might help to reverse this trend. Therefore, the band-tailed pigeon frameworks proposed herein do not provide for an open season for the Coastal Population (in Washington, Oregon, Nevada, and California) during 1992–93.

The Service proposes that a State-issued permit will be required for hunting the Four-Corners Population of band-tailed pigeons. States will be required to acquire and report harvests and hunter participation information. This permit requirement is viewed as being in lieu of a State participating in the Migratory Bird Harvest Information Program.

Council Recommendations: The Pacific Flyway Council recommended no change in frameworks for either the Pacific Coast Population or the Four-Corners Population of band-tailed pigeons. They further indicated that formulation of a Four-Corners Population management plan and revision of the Coastal Population plan will provide accessible background information, and provide a format for collection of population-status information in the future.

Written Comments: The California Department of Fish and Game requested that the season for the Coastal Population of band-tailed pigeons remain open. They suggest the Service consider alternatives short of complete closure to maintain the information-gathering networks established to gain insight into the actual causes for the population decline in pigeons. These efforts include the Migratory Bird

Harvest Information Program; reproductive and disease information from hunter-killed birds; and band-recovery information from marked samples. They indicated that, because of restrictive regulations, the breeding population information for the past 6 years does not reflect the long-term downward trend, and that hunting is not limiting pigeon populations.

An individual from Washington requested that the Service close the hunting season for band-tailed pigeons in Washington, Oregon, and California. He further indicated that widespread habitat alteration has adversely affected pigeon populations and that biological information necessary to evaluate status of the population is not available.

16. Mourning Doves

Council Recommendations: The Central Flyway Council recommended that the portion of the South Zone in Texas from Del Rio to Fort Hancock be transferred to the Central Zone, and further that the same area be discontinued as part of the Special White-winged Dove Area. Transferring this area to the Central Zone would permit the hunting of both white-winged doves and mourning doves to begin in this area on September 1, rather than limiting the hunt prior to September 20 to weekends during the special season.

The Central Flyway Council recommendation regarding the number of white-winged doves allowed in the aggregate daily bag limit affects mourning doves as well. See item 17. **White-winged and White-tipped Doves.**

The Pacific Flyway Council recommended no change in frameworks. They remarked that significant restrictions in mourning dove frameworks were implemented in 1987. Since that time, the Western Management Unit call-count index has shown a modest increase.

17. White-winged and White-tipped Doves

Council Recommendations: The Central Flyway Council recommended that the special white-winged dove season be increased from 2 days to 4 days in September if the Lower Rio Grande Valley whitewing population increased in 1992 to over 350,000 breeding birds.

The Council further recommended that the number of white-winged doves permitted in the 12-dove aggregate daily bag limit during the Texas mourning dove season in Cameron, Hidalgo, Starr, and Willacy Counties in the Lower Rio Grande Valley be increased from 2 to 6 to match the statewide daily bag limit.

Finally, the Central Flyway Council recommendation regarding realignment of zone boundaries affects white-winged doves. See item 16. **Mourning Doves.**

The Pacific Flyway Council recommended no change in frameworks. They noted that since the implementation of restrictive regulations in 1987, white-winged dove populations appear to be stable or slightly increasing in areas where data are collected.

18. Alaska

Council Recommendations: The Pacific Flyway Council recommended no change in frameworks for Alaska, including continuation of the tundra swan season.

21. Virgin Islands

The frameworks proposed in this document do not provide for an open season on scaly-naped pigeons in the Virgin Islands during the 1992–93 season.

22. Falconry

Written Comments: The Minnesota Department of Natural Resources requested that the Service increase the number of segments allowed during the extended falconry seasons from 3 to 4 segments or offer another option that would allow States with 3-way-split regular seasons to select extended falconry dates in a manner so that, when viewed in conjunction with their gun days, the combined seasons will appear continuous.

Public Comment Invited

Based on the results of migratory game bird studies now in progress and having due consideration for any data or views submitted by interested parties, the possible amendments resulting from this supplemental rulemaking will specify open seasons, shooting hours, and bag and possession limits for designated migratory game birds in the United States.

The Service intends that adopted final rules be as responsive as possible to all concerned interests, and therefore desires to obtain for consideration the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals. Such comments, and any additional information received, may lead to final regulations that differ from these proposals.

Special circumstances are involved in the establishment of these regulations which limit the amount of time that the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: (1) the need to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms; and (2) the unavailability before mid-June of specific, reliable data on this year's status of some waterfowl and migratory shore and upland game bird populations. Therefore, the Service believes that to allow comment periods past the dates specified is contrary to the public interest.

Comment Procedure

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate by submitting written comments to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, room 634—Arlington Square, Washington, DC 20240. Comments received will be available for public inspection during normal business hours at the Service's office in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. All relevant comments received during the comment period will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

NEPA Consideration

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88-14)", filed with EPA on June 9, 1988. Notice of Availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582). The Service's Record of Decision was published on August 18, 1988 (53 FR 31341). Copies of these documents are available from the Service at the address indicated under the caption **ADDRESSES.**

Endangered Species Act Consideration

The Division of Endangered Species is completing a biological opinion on the proposed action. As in the past, hunting regulations this year will be designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species. The Service's biological opinions resulting from consultations under section 7 are considered public documents and are available for inspection in the Division

of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

Regulatory Flexibility Act; Executive Orders 12291, 12612, 12630, and 12778; and the Paperwork Reduction Act

In the May 8 Federal Register, the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and Executive Order 12291. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis (FRIA), and publishing a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. A Regulatory Flexibility Analysis (RFA), prepared as part of the FRIA concluded that this rule would have significant effects on small entities. Information contained in that document stated that while the Service believes that its rules for migratory bird hunting are "major," and impact "small entities," particularly small businesses, it has been unable to locate information of the kind needed to complete its analysis on small entities. The FRIA and the RFA document the relationships between hunting regulations, and hunter numbers and hunter days, both of which have major economic implications. The Service concluded that the adoption of other regulatory options would have little impact upon hunter expenditures at the national-economy or small-entity levels. Unless migratory bird hunting regulations are established, the national economy stands to lose at least $1 billion annually. Most of this loss would be borne by small entities. It has been determined that these rules will not involve the taking of any constitutionally protected property rights, under Executive Order 12630, and will not have any significant federalism effects, under Executive Order 12612. The Department of the Interior has certified to the Office of Management and Budget that these proposed regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778. These determinations are detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, room 634—Arlington Square, Department of the Interior, Washington, DC 20240. As noted in the above Federal Register reference, the Service plans to issue its Memorandum of Law for migratory bird hunting regulations at the same time the first of the annual hunting rules is completed. These regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act.

Authorship

The primary authors of this proposed rulemaking are Robert J. Blohm and William O. Vogel, Office of Migratory Bird Management, working under the direction of Thomas J. Dwyer, Chief.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 1992–93 hunting season are authorized under the Migratory Bird Treaty Act of July 3, 1918, as amended, (16 U.S.C. 703—712), and the Fish and Wildlife Service Act of August 8, 1956, as amended, (16 USC 742 a—d and e—j).

Dated: July 6, 1992.

J. Michael Hayden,

Assistant Secretary for Fish and Wildlife and Parks.

Proposed Regulations Frameworks for 1992–93 Early Hunting Seasons on Certain Migratory Game Birds

Pursuant to the Migratory Bird Treaty Act and delegated authorities, the Director approved the following proposed frameworks which prescribe season lengths, bag limits, shooting hours, and outside dates within which States may select seasons for certain migratory game birds.

General

Dates: All outside dates noted below are inclusive.

Shooting and Hawking (taking by falconry) Hours: Unless otherwise specified, from one-half hour before sunrise to sunset daily.

Possession Limits: Unless otherwise specified, possession limits are twice the daily bag limit.

Area and Zone Descriptions: Descriptions that differ from those published in the August 21, 1991, Federal Register (at 56 FR 41617) are described in a later portion of this document.

Mourning Doves

Outside Dates: Between September 1, 1992, and January 15, 1993, except as otherwise provided, States may select hunting seasons and daily bag limits as follows:

Eastern Management Unit (All States east of the Mississippi River, and Louisiana)

Hunting Seasons and Daily Bag Limits: Not more than 70 days with a daily bag limit of 12, or not more than 60 days with a daily bag limit of 15.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods. The hunting seasons in the South Zones of Alabama, Georgia, Louisiana, and Mississippi may commence no earlier than September 20, 1992. Regulations for bag and possession limits, season length, and shooting hours must be uniform within specific hunting zones.

Central Management Unit (Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming)

Hunting Seasons and Daily Bag Limits: Not more than 70 days with a daily bag limit of 12, or not more than 60 days with a daily bag limit of 15.

Zoning and Split Seasons: States may select hunting seasons in each of two zones. The season within each zone may be split into not more than three periods. Texas may select hunting seasons for each of three zones subject to the following conditions:

A. The hunting season may be split into not more than two periods, except in that portion of Texas in which the special white-winged dove season is allowed, where a limited mourning dove season may be held concurrently with that special season (see white-winged dove frameworks).

B. A season may be selected for the North and Central Zones between September 1, 1992 and January 25, 1993; and for the South Zone between September 20, 1992, and January 25, 1993.

C. Each zone may have a daily bag limit of 12 doves (15 under the alternative) in the aggregate, no more than 6 of which may be white-winged doves and no more than 2 of which may be white-tipped doves, with the following exceptions:

1. During the special white-winged dove season in the South Zone, the daily bag limit may not exceed 10 white-winged, mourning, and white-tipped doves in the aggregate, of which no more than 5 may be mourning doves and 2 may be white-tipped doves.

2. In Cameron, Hidalgo, Starr, and Willacy Counties, the daily bag limit may not exceed 12 doves (15 under the alternative) in the aggregate, of which

no more than 2 may be white-winged doves and 2 may be white-tipped doves.

D. Except as noted above, regulations for bag and possession limits, season length, and shooting hours must be uniform within each hunting zone.

Western Management Unit (Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington)

Hunting Seasons and Daily Bag Limits: Idaho, Nevada, Oregon, Utah, and Washington - Not more than 30 consecutive days with a daily bag limit of 10 mourning doves (in Nevada, the daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate).

Arizona and California—Not more than 60 days which may be split between two periods, September 1-15, 1992, and November 1, 1992 - January 15, 1993. In Arizona, the daily bag limit is 10 mourning and white-winged doves in the aggregate, of which no more than 6 may be white-winged doves. In California, the daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate.

White-winged Doves

Hunting Seasons and Daily Bag Limits:

Except as shown below, seasons in Arizona, California, Florida, Nevada, New Mexico, and Texas must be concurrent with mourning dove seasons.

Arizona may select a hunting season of not more than 30 consecutive days running concurrently with the first segment of the mourning dove season. The daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate, of which no more than 6 may be white-winged doves.

In Florida, the daily bag limit may not exceed 12 mourning and white-winged doves (15 under the alternative) in the aggregate, of which no more than 4 may be white-winged doves.

In the Nevada counties of Clark and Nye, and in the California counties of Imperial, Riverside, and San Bernardino, the daily bag limit may not exceed 10 mourning and white-winged doves in the aggregate.

In New Mexico, the daily bag limit may not exceed 12 mourning and white-winged doves (15 under the alternative) in the aggregate.

In Texas, the daily bag limit may not exceed 12 mourning, white-winged, and white-tipped doves (15 under the alternative) in the aggregate, of which not more than 6 may be white-winged doves and not more than 2 may be white-tipped doves; except in Cameron, Hidalgo, Starr, and Willacy Counties where the daily bag limit may include no more than 2 white-winged doves and 2 white-tipped doves.

In addition, Texas may also select a hunting season of not more than 4 days for the special white-winged dove area of the South Zone between September 1 and September 19, 1992. The daily bag limit may not exceed 10 white-winged, mourning, and white-tipped doves in the aggregate, of which no more than 5 may be mourning doves and 2 may be white-tipped doves.

Band-tailed Pigeons

Pacific Coast States: The season is closed in California, Oregon, Washington, and Nevada.

Four-Corners States: Arizona, Colorado, New Mexico, and Utah.

Outside Dates: Between September 1 and November 30, 1992.

Hunting Seasons and Daily Bag Limits: Not more than 30 consecutive days, with a daily bag limit of 5 band-tailed pigeons.Permit Requirement: The appropriate State agency must issue permits, obtain harvest and hunter-participation data, and report on harvest and hunter participation to the Service by June 1 of the following year.

Areas: These seasons shall be open only in the areas delineated by the respective States in their hunting regulations.

Zoning: New Mexico may select hunting seasons not to exceed 20 consecutive days in each of two zones. The season in the South Zone may not open until October 1, 1992.

Rails

Outside Dates: States included herein may select seasons between September 1, 1992, and January 20, 1993, on clapper, king, sora, and Virginia rails.

Hunting Seasons: The season may not exceed 70 days, and may be split into two segments.

Clapper and King Rails

Daily Bag Limits:

In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, 10, singly or in the aggregate of the two species.

In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, 15, singly or in the aggregate of the two species.

Sora and Virginia Rails

Daily Bag and Possession Limits: In the Atlantic, Mississippi, and Central Flyways and the Pacific-Flyway portions of Colorado, Montana, New Mexico, and Wyoming, 25 daily and 25 in possession, singly or in the aggregate of the two species. The season is closed in the remainder of the Pacific Flyway.

American Woodcock

Outside Dates: States in the Atlantic Flyway may select hunting seasons between October 1, 1992, and January 31, 1993. States in the Central and Mississippi Flyways may select hunting seasons between September 1, 1992, and January 31, 1993.

Hunting Seasons and Daily Bag Limits: In the Atlantic Flyway, seasons may not exceed 45 days, with a daily bag limit of 3; in the Central and Mississippi Flyways, seasons may not exceed 65 days, with a daily bag limit of 5. Seasons may be split into two segments.

Zoning: New Jersey may select seasons in each of two zones. The season in each zone may not exceed 35 days.

Common Snipe

Outside Dates: Between September 1, 1992, and February 28, 1993. Except, in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia, the season must end no later than January 31.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 107 days and may be split into two segments. The daily bag limit is 8 snipe.

Common Moorhens and Purple Gallinules

Outside Dates: Between September 1, 1992, and January 20, 1993, in the Atlantic, Mississippi, and Central Flyways. States in the Pacific Flyway have been allowed to select their hunting seasons between the outside dates for the season on ducks; therefore, they are late-season frameworks and no frameworks are provided in this document.

Hunting Seasons and Daily Bag Limits: Seasons may not exceed 70 days in the Atlantic, Mississippi, and Central Flyways. Seasons may be split into two segments. The daily bag limit is 15 common moorhens and purple gallinules, singly or in the aggregate of the two species.

Sandhill Cranes

Regular Seasons in the Central Flyway:

Outside Dates: Between September 1, 1992, and February 28, 1993.

Hunting Seasons: Seasons not to exceed 58 days may be selected in the following States: Colorado (the Central Flyway portion except the San Luis Valley); Kansas; Montana (the Central

Flyway portion except that area south of 1-90 and west of the Bighorn River); North Dakota (west of U.S. 281); South Dakota; and Wyoming (in the counties of Campbell, Converse, Crook, Goshen, Laramie, Niobrara, Platte, and Weston).

Seasons not to exceed 93 days may be selected in the following States: New Mexico (the counties of Chaves, Curry, DeBaca, Eddy, Lea, Quay, and Roosevelt); Oklahoma (that portion west of I-35); and Texas (that portion west of a line from Brownsville along U.S. 77 to Victoria; U.S. 87 to Placedo; Farm Road 616 to Blessing; State 35 to Alvin; State 6 to U.S. 290; U.S. 290 to I-35 at Austin; I-35 to I-35W; I-35W to the Texas-Oklahoma boundary).

Daily Bag limits: 3 sandhill cranes.

Permits: Each person participating in the regular sandhill crane seasons must have a valid Federal sandhill crane hunting permit in his possession while hunting.

Special Seasons in the Central and Pacific Flyways:

Arizona, Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming may select seasons for hunting sandhill cranes within the range of the Rocky Mountain Population (as described in a management plan approved March 22, 1982 [revised March 1991], by the Central and Pacific Flyway Councils) subject to the following conditions:

1. Outside dates are September 1, 1992 - January 31, 1993.
2. The season in any State or zone may not exceed 30 days.
3. The daily bag limit may not exceed 3 and the season limit may not exceed 9.
4. Participants must have in their possession while hunting a valid permit issued by the appropriate State.
5. Numbers of permits, open areas, season dates, protection plans for other species, and other provisions of seasons must be consistent with the management plan and approved by the Central and Pacific Flyway Councils.
6. All hunts except those in Arizona, New Mexico (Middle Rio Grande Valley), and Wyoming will be experimental.

Scoter, Eider, and Oldsquaw Ducks (Atlantic Flyway)

Outside Dates: Between September 15, 1992, and January 20, 1993.

Hunting Seasons and Daily Bag Limits: Not to exceed 107 days, with a daily bag limit of 7, singly or in the aggregate of the listed species.

Daily Bag Limits During the Regular Duck Season: Within the special sea duck areas, during the regular duck season in the Atlantic Flyway, States may select, in addition to the limits applying to other ducks during the regular duck season, a daily limit of 7 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species. In all other areas, sea ducks may be taken only during the regular open season for ducks and they must be included in the regular duck-season daily bag and possession limits.

Areas: In all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, and New York; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina and Virginia; and provided that any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States.

September Teal Season

Outside Dates: Between September 1 and September 30, 1992, an open season on all species of teal may be selected by Alabama, Arkansas, Colorado (Central Flyway portion only), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion only), Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations.

Hunting Seasons and Daily Bag Limits: Not to exceed 9 consecutive days, with a daily bag limit of 4 teal.

Shooting hours: From sunrise to sunset daily.

Special September Teal/Wood Duck Season

Florida: An experimental 5-consecutive-day season may be selected in September. The daily bag limit may not exceed 4 teal and wood ducks in the aggregate.

Tennessee and Kentucky: In lieu of a special September teal season, an experimental 5-consecutive-day season may be selected in September. The daily bag limit may not exceed 4 teal and wood ducks in the aggregate, of which no more than 2 may be wood ducks.

Special Early Canada Goose Seasons

Atlantic and Mississippi Flyways

Canada goose seasons of up to 10 consecutive days may be selected by Indiana, Massachusetts, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Pennsylvania, and Wisconsin. The seasons in the following States and portions of States are experimental: Indiana; Massachusetts; Missouri; New York; North Carolina; Ohio; Pennsylvania; Wisconsin; in Michigan, that portion of the Upper Peninsula previously open to the hunting of Canada geese in early September and that portion of the Lower Peninsula including Oceana, Newaygo, Mecosta, Isabella, Midland, and Bay Counties and all counties north thereof; in Minnesota, the Fergus Falls/Alexandria and Southwest Border Zones. Outside dates for the seasons are September 1-10, 1992, except in Missouri, where the outside dates are October 1-15, 1992. The daily bag limit may not exceed 5 Canada geese. Areas open to the hunting of Canada geese must be described, delineated, and designated as such in each State's hunting regulations.

Pacific Flyway

Wyoming may select a September season on Canada geese subject to the following conditions:

1. The season must be concurrent with the September portion of the sandhill crane season.
2. Hunting will be by State permit.
3. No more than 150 permits, in total, may be issued.
4. Each permittee may take no more than 2 Canada geese per season.

Utah may select an experimental special season on Canada geese in Cache County subject to the following conditions:

1. Not to exceed 4 days during September 1-15, 1992.
2. Hunting will be by State permit.
3. Not more than 200 permits may be issued.
4. Each permittee may take 2 Canada geese per season.

Oregon and Washington may select an experimental season on Canada geese subject to the following conditions:

1. The seasons in Oregon and Washington must be concurrent.
2. Not to exceed 10 days during September 1-10, 1992.
3. Hunting will be by State permit.
4. Each permittee may take 2 Canada geese per day.

Alaska

Outside Dates: Between September 1, 1992, and January 26, 1993.Hunting seasons: Alaska may select 107 consecutive days for waterfowl, sandhill cranes, and snipe in each of five zones. The season may be split without penalty

in the Kodiak Zone. The seasons in each zone must be concurrent.

Closures: The season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain. The hunting season is closed on Aleutian Canada geese, cackling Canada geese, emperor geese, spectacled eiders, and Steller's eiders.

Daily Bag and Possession limits:

Ducks—Except as noted, a basic daily bag limit of 5 and a possession limit of 15 ducks. Daily bag and possession limits in the North Zone are 8 and 24, and in the Gulf Coast Zone they are 6 and 18, respectively. The basic limits may include no more than 2 pintails daily and 6 in possession, and 2 canvasbacks daily and 6 in possession.

In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, common and king eiders, oldsquaw, harlequin, and common and red-breasted mergansers, singly or in the aggregate of these species.

Geese—A basic daily bag limit of 6, of which not more than 4 may be greater white-fronted or Canada geese, singly or in the aggregate of these species.

Brant—A daily bag limit of 2.

Common snipe—A daily bag limit of 8.

Sandhill cranes—A daily bag limit of 3.

Tundra swans—In Game Management Unit 22, an open season for tundra swans may be selected subject to the following conditions:

1. No more than 300 permits may be issued, authorizing each permittee to take 1 tundra swan.

2. The season must be concurrent with other migratory bird seasons.

3. The appropriate State agency must issue permits, obtain harvest and hunter-participation data, and report the results of this hunt to the Service by June 1 of the following year.

Hawaii

Outside Dates: Between September 1, 1992, and January 15, 1993.

Hunting Seasons: Not more than 60 days (70 under the alternative) for mourning doves.

Bag Limits: Not to exceed 15 (12 under the alternative) mourning doves.

Note: Mourning doves may be taken in Hawaii in accordance with shooting hours and other regulations set by the State of Hawaii, and subject to the applicable provisions of 50 CFR part 20.

Puerto Rico

Doves and Pigeons:

Outside Dates: Between September 1, 1992, and January 15, 1993.

Hunting Seasons: Not more than 60 days.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida, mourning, and white-winged doves and scaly-naped pigeons in the aggregate, no more than 5 of which may be scaly-naped pigeons.

Closed Areas: Closed areas were described in the August 21, 1991, Federal Register (56 FR 41608).

Ducks, Coots, Moorhens, Gallinules, and Snipe:

Outside Dates: Between October 1, 1992, and January 31, 1993.

Hunting Seasons: Not more than 55 days may be selected for hunting ducks, common moorhens, and common snipe. The season may be split into two segments.

Daily Bag Limits:

Ducks—Not to exceed 3.

Common moorhens—Not to exceed 6.

Common snipe—Not to exceed 6.

Closures: The season is closed on the ruddy duck *(Oxyura jamaicensis)*; the White-cheeked pintail *(Anas bahamensis)*; West Indian whistling (tree) duck *(Dendrocygna arborea)*; fulvous whistling (tree) duck *(Dendrocygna bicolor)*; and the masked duck *(Oxyura dominica)*, which are protected by the Commonwealth of Puerto Rico. The season also is closed on the purple gallinule *(Porphyrula martinica)*, common coot *(Fulica americana)*, and Caribbean coot *(Fulica caribaea)*.

Closed Areas: There is no open season on ducks, common moorhens, and common snipe in the Municipality of Culebra and on Desecheo Island.

Virgin Islands

Doves and Pigeons:

Outside Dates: Between September 1, 1992, and January 15, 1993.

Hunting Seasons: Not more than 60 days for Zenaida doves.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves.

Closed Seasons: No open season is prescribed for ground or quail doves, or pigeons in the Virgin Islands.

Local Names for Certain birds:

Zenaida dove *(Zenaida aurita)*—mountain dove; Bridled quail dove *(Geotrygon mystacea)*—Barbary dove, partridge; Common Ground dove *(Columba passerina)*—stone dove, tobacco dove, rola, tortolita; Scaly-naped pigeon *(Columba squamosa)*—red-necked pigeon, scaled pigeon.

Ducks:

Outside Dates: Between December 1, 1992, and January 31, 1993.

Hunting Seasons: Not more than 55 consecutive days may be selected for hunting ducks.

Daily Bag Limits: Not to exceed 3 ducks.

Closures: The season is closed on the ruddy duck *(Oxyura jamaicensis)*; the White-cheeked pintail *(Anas bahamensis)*; West Indian whistling (tree) duck *(Dendrocygna arborea)*; fulvous whistling (tree) duck *(Dendrocygna bicolor)*; and the masked duck *(Oxyura dominica)*.

Special Falconry Regulations

Falconry is a permitted means of taking migratory game birds in any State meeting Federal falconry standards in 50 CFR 21.29(k). These States may select an extended season for taking migratory game birds in accordance with the following:

Extended Seasons: For all hunting methods combined, the combined length of the extended season, regular season, and any special or experimental seasons shall not exceed 107 days for any species or group of species in a geographical area. Each extended season may be divided into a maximum of 3 segments.

Framework Dates: Seasons must fall between September 1, 1992 and March 10, 1993.

Daily Bag and Possession Limits: Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during extended falconry seasons, any special or experimental seasons, and regular hunting seasons in all States, including those that do not select an extended falconry season.

Regular Seasons: General hunting regulations, including seasons and hunting hours, apply to falconry in each State listed in 50 CFR 21.29(k). Regular-season bag and possession limits do not apply to falconry. The falconry bag limit is not in addition to gun limits.

Zone Descriptions

Special Early Canada Goose Seasons:

Missouri

Central Missouri Zone: All or portions of Boone, Callaway, Cole, and Howard Counties.

New York

Counties of Erie, Cattaraugus, and Chautauqua.

Oregon

Open Area: Those portions of Multnomah, Columbia, and Clatsop Counties (excluding Sauvie Island Wildlife Area) within the following boundary: Beginning at Portland, Oregon, at the south end of the Interstate 5 bridge; south on I-5 to Highway 30; west on Highway 30 to the

town of Svensen; south from Svensen to Youngs River Falls; due west from Youngs River Falls to the Pacific Ocean coastline; north along the coastline to a point where Clatsop Spit and the South Jetty meet; due north to the Oregon-Washington border; east and south along the Oregon-Washington border to the I-5 bridge; south on the I-5 bridge to the point of beginning.

Pennsylvania

Northwestern Counties of Butler, Crawford, Erie, and Mercer.

Southeastern Counties of Bucks, Lehigh, and Montgomery.

Mourning and White-winged Doves:

Texas

North Zone: That portion of the State north of a line beginning at the International Bridge south of Fort Hancock; north along FM 1088 to State Highway 20; west along State Highway 20 to State Highway 148; north along State Highway 148 to Interstate Highway 10 at Fort Hancock; east along Interstate Highway 10 to Interstate Highway 20; northeast along Interstate Highway 20 to Interstate Highway 30 at Fort Worth; northeast along Interstate Highway 30 to the Texas-Arkansas State line.

South Zone: That portion of the State south and west of a line beginning at the International Bridge south of Del Rio proceeding east on U.S. 90 to San Antonio; then east on Interstate 10 to Orange, Texas.

Special White-winged Dove Area in the South Zone: That portion of the State south and west of a line beginning at the International Bridge south of Del Rio proceeding east on U.S. 90 to Uvalde; south on U.S. Highway 83 to State Highway 44; east along State Highway 44 to State Highway 16 at Freer; south along State Highway 16 to State Highway 285 at Hebbronville; east along State Highway 285 to FM 1017; southwest along FM 1017 to State Highway 186 at Linn; east along State Highway 186 to the Mansfield Channel at Port Mansfield; east along the Mansfield Channel to the Gulf of Mexico.

Central: That portion of the State lying between the North and South Zones.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Annual Waterfowl Status Meeting and Meetings of the Fish and Wildlife Service Migratory Bird Regulations Committee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Meetings.

SUMMARY: The Fish and Wildlife Service, Office of Migratory Bird Management, will conduct an open meeting on July 25 to review the status of waterfowl populations and the 1992 fall flight forecast for ducks. The Service Migratory Bird Regulations Committee will meet on August 4 and 5 to develop 1992–93 waterfowl hunting regulations recommendations for presentation at the August 6 public hearing to be held in Washington, DC.

DATES: Waterfowl Status Meeting, July 25, 1992; Service Regulations Committee Meetings, August 4 and 5, 1992.

ADDRESSES: The Waterfowl Status Meeting will be held at the Denver Sheraton-Airport Hotel, 3535 Quebec Street, in Denver, Colorado. Meetings of the Service Regulations Committee will be held in the Board Room of the American Institute of Architects Building, 1735 New York Avenue (at corner of 18th and E Streets, NW.), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Thomas J. Dwyer, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, room 634—Arlington Square, Department of the Interior, Washington, DC 20240, (703) 358–1714.

SUPPLEMENTARY INFORMATION: On July 25 at 8:30 a.m. at the Denver Sheraton-Airport Hotel in Denver, Colorado, the Fish and Wildlife Service, Office of Migratory Bird Management, will review for State and Federal officials and any other interested parties or individuals results of the various field investigations and data analyses that are used annually to determine the status of waterfowl populations and the fall flight forecast for ducks. The information presented will have a bearing on the regulatory proposals; however, the meeting is not a regulations meeting. Public comment will be limited to that which supplements the status information presented.

The Migratory Bird Regulations Committee of the U.S. Fish and Wildlife Service, including Flyway Council Consultants to the Committee, will meet on August 4 at 8:30 a.m. to review discussions that occurred at the Flyway Council meetings and to discuss and develop recommendations for 1992–93 waterfowl hunting regulations to be presented at the public hearing. The meeting on August 5 at 8:30 a.m. is to ensure that the Service's regulations proposals presented at the public hearing reflect the Director's position with the benefit of full consultation on the issues. The public hearing will be held on August 6 at 9 a.m. in Washington, DC. After the hearing, the Service Regulations Committee will meet with the Director to review the public comments presented at the hearing and to determine on the basis of those comments whether any modifications need to be made to the regulations recommendations presented at the hearing. The Service Regulations Committee will then meet with the Consultants to announce any changes in the proposals.

In accordance with Departmental policy regarding meetings of the Service Regulations Committee that are attended by any person outside the Department, these meetings will be open to public observation. Members of the public may submit to the Director written comments on the matters discussed.

Dated: July , 1992.

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 92–16352 Filed 7–8–92; 1:06 pm]

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Reader Aids

Federal Register

Vol. 57, No. 133

Friday, July 10, 1992

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202-523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-3447

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	512-1557

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3447
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the hearing impaired	523-5229

FEDERAL REGISTER PAGES AND DATES, JULY

29181-29428.....1
29429-29628.....2
29629-29782.....6
29783-30098.....7
30099-30378.....8
30379-30634.....9
30635-30896.....10

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

305.....30101

3 CFR

Executive Orders:
12543 (See rule of June 29).....29424
12544 (See rule of June 29).....29424
12803 (See Notice of June 18).....28867
Proclamations:
6452.....29429
6453.....29625
6454.....29629
6455.....30069
6456.....30097
Administrative Orders:
Presidential Determinations:
No. 92-34 of June 22, 1992.....30099

5 CFR

532.....29783, 30635
831.....29783
843.....29783
870.....29783

7 CFR

946.....30379
948.....30380
980.....30380
981.....30382
1205.....29181, 29431
1220.....29436
Proposed Rules:
12.....29658
51.....29449
55.....29660
56.....29660
59.....29660
70.....29660
400.....30430

8 CFR

214.....29193
251.....29193
258.....29193

9 CFR

96.....29784
98.....29193
327.....30635
Proposed Rules:
51.....29225
160.....30432
161.....30432
162.....30432

10 CFR

50.....30383
Proposed Rules:
605.....30171

12 CFR

225.....30387
Proposed Rules:
6.....29808
19.....29808
208.....29226
263.....29226
308.....29662
325.....29662
333.....30433
362.....30435
565.....29826

13 CFR

101.....30391

14 CFR

39.....29194-29201, 29785, 30111, 30113, 30392-30534
71.....30115, 30637-30818
91.....30818
97.....29442, 29443
Proposed Rules:
39.....29450-29453, 29681-29684, 29785, 30173, 30176, 30686, 30700
71.....29454, 29455, 29686, 29687, 30178, 30179, 30702

15 CFR

6.....30115

17 CFR

140.....29203
145.....29203
Proposed Rules:
229.....29582
240.....29564, 29582
249.....29564

18 CFR

157.....29631

19 CFR

4.....29633, 29634
10.....30638
162.....30639
Proposed Rules:
133.....30703

20 CFR

404.....30116
655.....29203, 30640
Proposed Rules:
416.....29244

21 CFR

2.....29353

5 29353
10 29353
310 29353
314 29353
320 29353
443 29353
510 30641
807 29354

Proposed Rules:
356 30534

23 CFR

Proposed Rules:
650 29689

24 CFR

201 30394

25 CFR

Proposed Rules:
515 ..... 30346, 30353
519 30346
522 30346
523 30346
524 30346
556 30346
558 30346
571 30384
573 30384
575 30384
577 30384

26 CFR

Proposed Rules:
1 ..... 29246, 29851, 30451
301 29248

27 CFR

47 29787
179 29787

Proposed Rules:
4 29456
20 29763

28 CFR

0 30395
44 30397

29 CFR

507 ..... 29203, 30640
1425 30397
1910 29204–29206

30 CFR

946 29788
950 30121

Proposed Rules:
48 29853
75 29853
77 29853

31 CFR

550 29424

32 CFR

165 29619
169a 29206

Proposed Rules:
165 29618

33 CFR

81 29218
100 ..... 30403, 30641, 30644
117 ..... 30403, 30647
155 29354
165 ..... 30405, 30648

Proposed Rules:
100 30704
117 ..... 30451, 30647
168 30058

34 CFR

74 30328
75 30328
76 30328
77 30328
237 30328
263 30328
300 30328
356 30328
562 30328
630 30328
653 30328
654 30328
762 30328

Proposed Rules:
366 30866
668 30826

36 CFR

7 29794
327 29218

37 CFR

1 29634
2 29634
3 29634

Proposed Rules:
1 29248
10 29248

38 CFR

21 29798

Proposed Rules:
3 30707

39 CFR

20 30651
111 30794

40 CFR

60 ..... 29649, 30654
61 29649
86 ..... 30054, 30656
124 30656
164 30656
180 30132
261 ..... 29220, 30657
271 29446
712 30771
716 30771

Proposed Rules:
Ch. I 30708
72 29940
73 29940
180 ..... 30132, 30454
300 30452

41 CFR

101–45 29804

42 CFR

60 30534

Proposed Rules:
412 30301
413 30301

43 CFR

3260 29650
4700 29651

44 CFR

Proposed Rules:
206 29854
362 30455

45 CFR

201 30407
204 30407
205 ..... 30132, 30407
206 30132
232 ..... 30132, 30407
233 ..... 30132, 30407
234 30132
237 30132
301 30407
302 30658
303 ..... 29763, 30658
1355 30407

46 CFR

Proposed Rules:
586 ..... 29259, 30182

47 CFR

73 ..... 29654, 29655, 29805, 29806

Proposed Rules:
22 ..... 29260, 30189
73 ..... 29691, 29805, 29806
97 30456

48 CFR

Ch. 20 29220

Proposed Rules:
228 29269
232 29269
252 29269

49 CFR

Ch. VI 30880
107 30620
171 30620
214 ..... 29561, 30429
245 30596
571 30161

Proposed Rules:
71 29270
396 29457
552 29459
571 30189
1039 30709

50 CFR

17 30164
285 29655
630 29447
649 30684
658 29447
672 ..... 29222, 29223, 29806, 30168, 30685
675 ..... 29223, 29656, 29806, 29807

Proposed Rules:
14 30457
16 29856
17 30191
20 30884
217 ..... 30196, 30709
222 30709
227 ..... 30196, 30709
611 ..... 29692, 29856
603 ..... 3045b
663 30534
678 29859
685 29692

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List July 8, 1992